

October 1st, 2016

SUBMITTED ELECTRONICALLY VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW Washington, DC 20554

Re: Appeal of Fort Gibson Public Schools (BEN: 140180), for denial of FY 2013 Application 901348 FRN 2451501 and FY 2014 Application 950642 FRN 2585566

Pursuant to 47 C.F.R. § 54.719(a), Fort Gibson hereby respectfully submits this appeal of decisions by the Universal Service Administrative Company (USAC) to deny FRN 2451501 for Funding Year 2013 and FRN 2585566 for Funding Year 2014.

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The reason for denial:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

Signed:

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I. INTRODUCTION

Fort Gibson Public Schools (Fort Gibson or the District) hereby respectfully requests that the Universal Service Administrative Company (USAC) reverse its decision to deny Schools and Libraries (E-rate) universal service funding to Fort Gibson for its FRN 2451501 on 471 Application Number 901348 for Funding Year 2013 and FRN 2585566 on 471 Application Number 950642 for Funding Year 2014.

USAC denied the District's request for funding because USAC claims that the District did not select the most cost-effective bidder to provide its Internet access services. To the contrary, as the discussion below will explain, the District satisfied all of the program's competitive bidding rules and selected the most cost-effective services, when it considered price and its other evaluation criteria. USAC's use of a bright-line standard is contrary to Commission precedent stating no such bright-line test exists, and, regardless, *Ysleta* is not applicable here.

Upholding the denials of these applications will preclude a fair and open competitive bidding process in which all bids are fairly evaluated, render the competitive bidding process meaningless and will force schools to select a lower-cost bid, even if not the most cost-effective, contrary to program rules – and possibly their own competitive bidding requirements. For practical purposes, this ruling by USAC will make price the only factor that matters in the E-rate competitive bidding process. That will result in many applicants selecting services that do not provide the best value for them or, therefore, the E-rate program. Such an outcome would not serve the E-rate program or statutory goals. Thus, we respectfully ask USAC to reverse its decision and grant funding to the District for the funding request at issue.

II. BACKGROUND

Fort Gibson is a school district in eastern Oklahoma. The District has approximately 1850 students. For Funding Year 2013, the District had one full time IT person on staff. In the spring of 2014 the District hired an IT assistant to help with the repair and upkeep of laptops and other network equipment.¹

For Funding Year 2013 the District filed a 470 requesting bids for Internet access and other unrelated services.² The District also released a Request for Proposal on December 19th, 2012.³ Included in this RFP were requests for Internet access and other unrelated services.

The District received three bids for the Internet access portion of the RFP: Meet Point Networks, SkyRider and OneNet.⁴ After carefully evaluating the bids received, the District selected Meet Point Networks to provide their Internet access under a multi-year contract.⁵

On May 20th, 2016 USAC issued a Notification of Commitment Adjustment Letter that denied the funding request for Meet Point services on FRN 2451501.⁶ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

¹ Affidavit of Jason Wicks, ¶ 1 & 5

² FCC Form 470 #755420001082761 (FY 2013 Form 470).

³ FY 2013 RFP, Exhibit 1.

⁴ See Exhibit 2, Bids Received.

⁵ FCC Form 471 # 901348, EXHIBIT 3. The services also include 24 x 7 troubleshooting and repair, onsite visits to restore Internet access, firewall services, and email and web hosting.

⁶ Exhibit 4, Notification of Commitment Adjustment Letter, dated 5/20/2016.

For Funding Year 2014 the District filed a 470 requesting bids for Internet access and other unrelated services.⁷ The District also released an Invitation for Competitive Bids (IFCB – also known as a Request for Proposal or RFP) on September 6th, 2013.⁸ Included in this RFP were requests for Internet access and other unrelated services.

The District received two bids for the Internet access portion of the RFP: Meet Point Networks and OneNet.⁹ After carefully evaluating the bids received, the District selected Meet Point Networks to provide their Internet access under a multi-year contract.¹⁰

On May 20th, 2016 USAC issued a Notification of Commitment Adjustment Letter that denied the funding request for Meet Point services on FRN 2585566.¹¹ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

Fort Gibson received USAC Appeal Denial Letters for 2013 on August 5, 2016 and for 2014 on August 5, 2016.¹²

⁷ FCC Form 470 # 435920001144315 (FY 2014 Form 470).

⁸ FY 2014 RFP, Exhibit 5.

⁹ See Exhibit 6, Bids Received.

¹⁰ FCC Form 471 # 950642, Exhibit 7. The services also include 24 x 7 troubleshooting and repair, onsite visits to restore Internet access, firewall services, and email and web hosting.

¹¹ Exhibit 8, Notification of Commitment Adjustment Letter, dated 5/20/2016.

¹² Administrator’s Decision Letters for 2014 and 2013, Exhibit 9.

By this letter, the District appeals USAC's decision to rescind its funding commitments.

Commission rules allow 60 days for the filing of an appeal to the FCC.¹³ Because this appeal is filed within 60 days of USAC's decision, it is timely filed.

III. BECAUSE FORT GIBSON SELECTED THE MOST COST-EFFECTIVE SERVICES, ITS E-RATE APPLICATIONS FOR FY 2013 AND FY2014 SHOULD BE RE-INSTATED

Federal Communications Commission rules require applicants to seek competitive bids for all services and equipment eligible for E-rate discounts.¹⁴ Applicants are required to “carefully consider all bids submitted” and to select “the most cost-effective service offering” using the price of eligible goods and services as the primary factor.¹⁵ Under section 54.511(a) of the Commission's rules, an applicant “may consider relevant factors other than the pre-discount prices” submitted by providers to determine which service offering is the most cost-effective, so long as price is the primary factor considered.¹⁶

The Commission's *Tennessee Order* ruled there is a presumption of cost-effectiveness when the applicant meets all of the requirements of the competitive bidding process and when the applicant pays its share of the costs.¹⁷ Nevertheless, USAC alleges that the District did not

¹³ 47 C.F.R. § 54.719(a); 47 C.F.R. § 54.720(b).

¹⁴ See 47 C.F.R. § 54.503(a)-(b) (2014). See also *In the Matter of Fed.-State Joint Bd. on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157 at ¶ 480 (1997) (*First Universal Service Order*) (finding that “fiscal responsibility compels us to require that eligible schools and libraries seek competitive bids for all services eligible for [E-rate] discounts.”).

¹⁵ *Id.* at § 54.511(a) (2012) and (2014). See also 47 C.F.R. §§ 54.503(c)(2)(vii), 54.504(a)(1)(xi) (2012) (requiring applicants to certify on FCC Forms 470 and 471 respectively that the most cost-effective bid will be or was selected).

¹⁶ 47 C.F.R. § 54.511(a).

¹⁷ *Tennessee Order* at ¶¶ 9-12 .

select the most cost-effective service offering. USAC claims that the District's selection of services that cost more than two times another bid violates the Commission's directive in *Ysleta*.¹⁸ The "standard" used by USAC, however, has never been adopted by the Commission as a bright-line standard for cost-effectiveness. USAC is also applying this standard to compare bids that provide different service components (that are eligible). Further, the dicta in *Ysleta* is not applicable to this case.

A. Fort Gibson Followed E-rate Competitive Bidding Rules to Select the Most Cost-Effective Bid, Contrary to USAC's Allegations.

In the *Universal Service Order* establishing the E-rate program, the Commission agreed with the recommendation of the Federal-State Joint Board on Universal Service that schools and libraries should not be required to choose the lowest-priced service but instead should be allowed the "'maximum flexibility' to take service quality into account and to choose the offering or offerings that meets their needs 'most effectively and efficiently.'"¹⁹ In the *Second Report and Order*, the Commission codified the requirement that price must be the primary factor when applicants analyze bids they have received.²⁰

¹⁸ See Funding Commitment Decision Letter; *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District El Paso, Texas, et al.*, Order, FCC 03-313, 18 FCC Rcd 26407, n. 138 (2003) (*Ysleta Order*).

¹⁹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, at ¶ 481 (1997) (*Universal Service Order*) (quoting the Joint Board's recommendation).

²⁰ See *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, FCC 03-101 (2003) (codifying 47 C.F.R. §54.511(a)) (*Second Report and Order*); see also *School and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808 (2004) (codifying 47 C.F.R. § 54.504(b)(2)(vii) and 47 C.F.R. § 54.504(c)(1)(xi)) (*Fifth Report and Order*).

Significantly, the Commission's rules have never required schools and libraries to select a provider offering a lower price, even among bids for comparable service.²¹ Given that price, as a category, only has to be weighted one point higher than any other category,²² however, it is quite likely that a vendor could be awarded fewer points in the cost category yet still win the bid based on points earned in the technical (non-price) categories. In fact, the Commission has stated repeatedly that price cannot be the only factor for the obvious reason that "price cannot be properly evaluated without consideration of what is being offered."²³

For the bidding process for both FY 2013 and FY 2014 the District met the Commission's requirements by giving more weight to price than to any other factor it used in the selection process and by appropriately awarding points in the other non-cost factors. The bid evaluation sheets used by the District (for both funding years) allotted a maximum of 25 points for the price of eligible goods and services.²⁴ The other categories – service history, expertise of company, understanding of needs/completeness of bids, and the location of the company – all had maximum points of 20 or fewer.²⁵

For FY 2013, Fort Gibson received three bids for its Internet access services: OneNet, Sky rider and Meet Point Networks. For FY 2014 Fort Gibson received two bids, OneNet and Meet Point Networks. In addition to the price category, as described above, Fort Gibson

²¹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9029, para. 481 (1997) (subsequent history omitted) (*Universal Service Order*). See also *Tennessee Order* at ¶ 9 ("Even among bids for comparable services, however, this does not mean that the lowest bid must be selected.").

²² If, for example, a school assigns 10 points to reputation and 10 points to past experience, the school would be required to assign at least 11 points to price. See *Ysleta Order* at ¶ 50, n. 138.

²³ *Tennessee Order* at ¶ 8.

²⁴ Bid Evaluation Sheets, 2013 Bid Evaluation Sheets, Exhibit 10. 2014 Bid Evaluation Sheets, Exhibit 11.

²⁵ *Id.*

evaluated bidders based on service history; the expertise of the company; understanding of the district's needs/completeness of bids; and the location of the company. In the bid evaluation process for FY 2013, OneNet received 55 points, Sky rider received 30 points, and Meet Point received 76 points. For FY 2014 OneNet received 57 points, and Meet Point received 76.²⁶

In both FY 2013 and FY 2014 the lowest bidder – OneNet received the maximum number of points available for Price of Eligible Goods and Services – 25 points. For both FY 2013 and FY 2014 the highest priced bidder, Meet Point Networks, received the lowest amount of points available for Price of Eligible Goods and Services – 1 point.²⁷

Location is important to Fort Gibson because it is an indicator of responsiveness if issues with the service arise.²⁸ Meet Point is located in Bixby, Oklahoma, approximately an hour and half away from Fort Gibson, Oklahoma (92 miles). OneNet is located almost twice as far away in Oklahoma City (183 miles). Sky rider is based out of Louisiana. Fort Gibson decided to award more points for the service provider that is closest to the District, as it has experienced more timely restoration of services from a provider with closer offices.²⁹

Most importantly, Fort Gibson considered the quality of service, as the Commission explicitly recognized in *Tennessee*, and selected the bid that met its needs “most effectively and efficiently.”³⁰ Under the categories “Service History” and “Expertise of Company” Meet Point scored higher points because of their fantastic relationship with the district in the past. The District had experience with the people that run Meet Point in the previous funding year (as a

²⁶ *Id.*

²⁷ *Id.*

²⁸ Wicks Aff. ¶ 13

²⁹ *Id.*

³⁰ *Tennessee Order* at ¶ 9

sub-contractor for Cox). The District describes their service from the people that run Meet Point: “The service we received from the company/owners is **the best of all vendors we use for any service at our school.**”³¹ The staff at Meet Point had been responsible for initiation of the Internet services; configuration of the router; determining the cause of any issues with the services and resolving those issues; and the configuration, administration and issue-resolution of email services. Their work ethic demonstrated a commitment to providing the best services for the District.³² The District described this past relationship as “exceptional.”³³ In addition, Meet Point’s technical support services were very highly rated by the district, as Mr. Wicks explains in his affidavit: “Technical support calls are answered by the person I call, there is not an automated phone system that I have to press 1 2 or 9, I just call or text the company and get a near immediate response.”³⁴ As the Commission has noted, “[A] school should have the flexibility to select different levels of services, to the extent such flexibility is consistent with that school’s technology plan and ability to pay for such services.”³⁵ The quality of service and responsiveness when problems arise are especially important to districts that have few employees focusing on technology.

These services and the direct line of communication are especially important to a school district like Fort Gibson who only had one full time IT person for FY 2013 (in 2014 the District hired a Technology Assistant). Mr. Wicks, the Technology Director, was responsible for 800 workstations, 1200 laptops, 200 iPads, 12 servers, and a large variety of other networking and end user devices, including switches, firewalls, printers, and the Student Information System (in

³¹ Wicks Aff. ¶ 13

³² *Id.*

³³ *Id.*

³⁴ Wicks Aff. ¶ 13 & 17

³⁵ *Tennessee*, Para. 9

2014 there were two people tasked for those responsibilities).³⁶ The ability for the service provider to restore service quickly, without a large amount of dedicated staff time, was a paramount need for the district.³⁷ It was not beneficial for the district to have a service that required a lot of staff time in the restoration process. When the Internet is down, the teacher cannot skip a lesson or wait until next week when the Internet is working again. Every minute of classroom time is valuable, especially with the demands upon the education system today. Similarly, online testing cannot be pushed to a different time. Therefore, service quality (and the ability to quickly restore that service) is an essential component of the selection process.

In the category “understanding the District’s needs,” Meet Point offered services not offered by the other bidders. To meet the needs of its students and teachers, Fort Gibson required an Internet access service that provided strong network security.³⁸ For both FY 2013 and FY 2014 Meet Point’s bid included services that were not included with the OneNet bid. OneNet’s bid did not include on-site tech support, nor did it include firewall services. Skyriders’ 2013 bid did not include firewall services.³⁹ As noted by the Commission, applicants cannot properly consider price without consideration of what services are being offered. Here, Meet Point offered additional services that OneNet and Skyriders did not include in their bid proposals.

In contrast, OneNet received lower point awards in the non-price categories. Specifically, Fort Gibson had used OneNet for their Internet access services in previous years. OneNet’s past performance with the district was a factor in the bid evaluations. As Mr. Wicks notes:

“In the past we were with OneNet, but had many issues where they would not realize they were not able to deliver bandwidth to our facility with high reliability. Calls were made to them and they told us we were at fault or they did not see any problems. Days later after connection was

³⁶ Wicks Aff. ¶ 1

³⁷ Wicks Aff. ¶ 8(v)

³⁸ Wicks Aff. ¶ 8(iv)

³⁹ Wicks Aff. ¶ 14(b) & 18(b)

*restored, without any work done on our end, OneNet would call in...and tell us we were down, when in fact, it was days ago and we were up and running at the present time of the call.”*⁴⁰

In fact, in 2011 OneNet sponsored a K12 conference in OK – *NetPotential* 2011. During this conference, Von Royal, the Executive Director and CIO of OneNet admitted they had problems with their network, and that they were “not pleased with all the levels of service we were providing, so we undertook a major upgrade.”⁴¹ The word in the K12 community at that time was that OneNet was oversubscribed (meaning you could order a 100 Mb circuit and only get a portion of that bandwidth) – as Wes Fryer, a respected K12 technology advocate in Oklahoma, writes: “OneNet has historically over-subscribed its k-12 educational network when it comes to bandwidth.”⁴² OneNet themselves admitted that their network had not been performing to the standards they would have liked. This was common knowledge in the Oklahoma K12 community at the time.

Fort Gibson evaluated the Internet access providers based on categories that it determined were important. That evaluation led Fort Gibson to select the service provider with the offer that best met the District’s needs. It choose Meet Point because it determined that the service history, expertise of the company, location, and the company’s understanding of the District’s needs were superior to that of OneNet – as allowed and encouraged by Commission orders and E-rate program rules.

⁴⁰ Wicks Aff. ¶ 7

⁴¹ *Moving at the Speed of Creativity* October 21, 2011, <http://www.speedofcreativity.org/2011/10/21/netpotential-2011-conference-notes-netpotential11/>

⁴² *Moving at the Speed of Creativity*, March 22, 2011, <http://www.speedofcreativity.org/2011/03/22/iphone-tethering-cellular-bandwidth-consumption-the-home-school-internet-access-divide/>

B. The Commission Has Never Established a Bright-Line Standard, as USAC Has Done Here.

After adopting the guidance on cost-effectiveness in *Tennessee*, the Commission declined to adopt a bright-line standard for cost-effectiveness. In the *Third Report and Order* – released two weeks after *Ysleta* – and in a paragraph directly referencing *Ysleta*, the Commission specifically noted it did not have a bright-line test for cost-effectiveness: “Nor do our rules expressly establish a bright line test for what is a ‘cost effective’ service.”⁴³ The Commission has twice sought comment on whether to adopt specific standards or provide additional guidance with respect to this rule, but has so far declined to do so.⁴⁴

Contrary to these Commission declarations, however, USAC points to *Ysleta* as support for stating that Fort Gibson’s services are not cost-effective, by stating that the services selected through Fort Gibson’s competitive bidding process were more than two times the OneNet bid.

⁴³ See, e.g., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-323, at ¶ 87 (*Third Report and Order*) (“Our rules do not expressly require, however, that the applicant consider whether a particular package of services are the most cost effective means of meeting its technology needs. Nor do our rules expressly establish a bright line test for what is a “cost effective” service.”); *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100, at ¶ 213 (*Modernization NPRM*) (“[W]e seek to refresh the record on whether we should adopt bright line tests, benchmark or formula for determining the most cost-effective means of meeting an applicant’s technology needs.”). It is notable, however, that the Commission appeared to focus on situations where no bid or only one bid was received, and those situations where applicants are selected expensive priority one services simply because they are supported, even though they are unnecessary or when less expensive services would fill the same need. *Modernization NPRM* at ¶¶ 203, 212-213.

⁴⁴ In 2003, in the *Third Report and Order*, the Commission sought comment on whether it should codify additional rules to ensure that applicants make informed and reasonable decisions in deciding for which services they will seek discounts. *Third Report and Order*, at ¶ 87. In the *Modernization NPRM*, the FCC sought comment on adopting new standards for cost-effectiveness. *Modernization Order*, at ¶¶ 211-216. In the *First Modernization Order*, the Commission provided limited guidance related to the showing of cost-effectiveness necessary to receive funding for data plans for wireless devices and wireless air cards providing Internet access. The Commission ruled the wireless services are not cost-effective if they are duplicating service already being provided. *Id.* at ¶ 151.

There are several problems with USAC's reliance upon *Ysleta* here. First, USAC appears to be establishing a bright-line rule even though the Commission has expressly stated that it has not adopted a bright-line standard.⁴⁵ As USAC is aware, USAC cannot interpret Commission rules.⁴⁶ As such, USAC should not use a bright-line standard of "two times" other bids to determine that services selected through Fort Gibson's competitive bidding process are not cost-effective. Further, the Commission directed USAC to review its approach to cost-effectiveness reviews and then share the information with applicants and services providers before it attempts to implement a new approach, with oversight performed by the Wireline Competition Bureau and the Office of the Managing Director.⁴⁷ As of the date of filing this appeal, USAC has not provided this information. It is a potential violation of the Administrative Procedure Act and, at a minimum, fundamentally unfair to applicants to adopt a new standard of review and simply not tell the applicants what the standard is before holding them to it. In fact, the Commission should seek comment in a rulemaking process to establish a new standard, as it has done twice before without adopting such a standard. As the Commission has recognized by seeking comment on this issue, the Commission should adopt an order revising its own precedent if it desires to do so.⁴⁸

Second, *Ysleta*'s facts are not applicable to this situation. The Commission in *Ysleta* analyzed a competitive bidding process in which the school district received one or no bids.⁴⁹

⁴⁵ See *Third Report and Order* at ¶ 87; *Modernization NPRM* at ¶ 213.

⁴⁶ 47 C.F.R. § 54.702(c).

⁴⁷ *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, *Connect America Fund*, WC Docket No. 90-90, Second Report and Order and Order on Reconsideration, FCC 15-189 (2014) at ¶ 126.

⁴⁸ *Third Report and Order*, ¶ 87; *Modernization NPRM*, at ¶¶ 213.

⁴⁹ *Ysleta* at ¶ 54.

Fort Gibson sought bids through the FCC Form 470 process for its E-rate eligible services. In *Ysleta*, the Commission stated – in dicta – that a price for a piece of *equipment* two to three times “the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances.”⁵⁰ The example the Commission gave in *Ysleta* was of a piece of equipment. Equipment, unlike services, are commodities and more easily comparable. Even so, people often make purchasing decisions based on the quality of the brand of the product. The same is true – and even more so – for services. Evaluations of competing services are, of course, different than evaluating bids for the same piece of equipment. When evaluating a service, Applicants will have to consider the reliability of the service, the ability of the service provider to restore service in downtimes (including the technical expertise of the staff), and if the service provides the elements the Applicant would be purchasing (for example, are we really getting the amount of Internet access we have ordered?). Accordingly, USAC should not use *Ysleta* to support its analysis when comparing services, especially when the bids are different and include different, eligible services – such as on-site technical support and firewall services. As described above, Fort Gibson compared the quality of services of Meet Point with the services provided by OneNet and reached the conclusion that Meet Point’s services were superior.

Third, the *Ysleta* decision does not establish a standard that applicants are precluded from selecting bids that are twice as expensive as “the lowest bid.” The standard in *Ysleta* is “two or three times” the prices that are **commercially available** for those services,⁵¹ which begs the question: *What would have been the pricing of the lower bidders had they included the additional, **eligible** services that Meet Point provides, or if those lower-priced bidders had the level of expertise of the Meet Point staff?* Of course, the answer to that question is “unknown”

⁵⁰ *Id.*

⁵¹ *Id.*

which means comparing these two bids using the *Ysleta* standard is a moot exercise and is not a fair evaluation of what is and is not cost effective.

Is Meet Point's bid "too expensive" for USAC to fund? We disagree with the conclusion that it is. The only way to determine if the bid is "too expensive" is to compare it to other commercially available services. USAC did not compare Meet Point's bid, which provided for different levels of support (cell phone numbers for the principals, on-site support and turn up) and different services (firewall services) than the other bidders, to other similar, commercially available offerings. USAC, in trying to make that determination could have surveyed local providers to determine what the commercially reasonable local price would be for a similar set of services (both scope and quality), or USAC could have used existing information they have gathered via 471 submissions about similar Internet access services provided in Oklahoma. We believe the price that Meet Point charges, given the level of support, the technical expertise of their staff and additional services offered, is commercially reasonable.

Additionally, we note that USAC funded the 2013 and 2014 FRNs for the District. USAC knew exactly how much they were paying for exactly how much bandwidth. USAC has cost-effectiveness standards before they fund applications to "red flag" funding requests that are out of a normal range. Neither the District's 2013 or 2014 FRNs triggered one of those USAC pre-funding cost effectiveness review. For USAC to fund the FRN, knowing exactly how much they were paying for a specific amount of bandwidth and services and then years later demand that the District repay that funding is patently unfair to the District.

Finally, the Commission in *Ysleta* was also describing a situation in which there was only one bidder, and therefore no competitive bidding, this precluding the applicant from any

comparison of services or price.⁵² In such a case, the applicant is at the mercy of the service provider's pricing and does not have a choice as to providers. Fort Gibson was not held hostage to one provider. It received multiple bids and made a reasoned judgment regarding the services and comparative costs that met its needs through its competitive bidding process.

The reason that Fort Gibson selected a more expensive service provider – even though funding for schools is tight in Oklahoma – is that a properly functioning Internet service is critical to the success of its students. The evaluation categories of location, service history, expertise of the company and understanding the needs of the District all relate to whether the Internet access service will function as expected or be repaired as quickly as possible. Internet access services are as important to Fort Gibson as its other utilities, including heat and water. With the way the curriculum is structured, the schools simply cannot function if the Internet is not accessible. It is not cost-effective for either the District or the E-rate program to pay for an Internet service – no matter how inexpensive it is – that does not further the goal of providing students with access to greater educational opportunities. Further, the District believed it was cost-effective for its needs as an understaffed district to pay extra for a service that included enhanced levels of support and protection (*i.e.*, the firewall).⁵³ Fort Gibson chose the service provider that was most cost-effective for its needs.⁵⁴

C. USAC's Decision in This Case Undermines Program Policies and Goals

Application of USAC's decision on a consistent basis will not further E-rate program policies and goals. First, it will force applicants in some cases to select a provider that does not offer the most cost-effective services for the applicants' needs – and likely could cause

⁵² *Id.*

⁵³ Wicks Aff. ¶ 14(b) & 17(b)

⁵⁴ Wicks Aff. ¶ 21

applicants to perform a disingenuous bid review process. Second, this decision could require applicants to weight price more heavily in the bid evaluation process – which is not required by Commission rules – in order to try to meet USAC’s newly created standard. Finally, the District will suffer significant harm if its funding is denied.

First, USAC’s attempt to second-guess the work of the District will force applicants to select a lower-priced offering, regardless of quality or other relevant criteria, so they will not be subject to second-guessing months or years after the conclusion of the competitive bidding process. To prevent this potential denial of funding, applicants will be forced to select a lower-price bidder, notwithstanding their review of the vendors’ bids using the other factors important to the individual applicants.

Using such a standard will lead to a disingenuous bidding process. Applicants are required to consider all valid bids received.⁵⁵ Is it really USAC’s position that an applicant must evaluate a bid that is two times more expensive than the other bids, but that bid (under USAC’s interpretation of *Ysleta*) must always lose? Are applicants supposed to manipulate the evaluation process so that the more expensive vendor receives fewer points, notwithstanding the reviewer’s actual analysis of the bid responses? A fair and open competitive bidding process cannot have pre-determined outcomes. Such a result could cause applicants to violate their own competitive bidding requirements. Further, what is the point of allowing the applicant the “maximum flexibility” to consider service history, quality of service, or other reasonable factors of a bid that USAC has pre-determined must always lose? An applicant that follows all of its own state and local procurement rules should not be prohibited from selecting a bid that meets its needs, but for a non-codified standard that USAC has decided to impose. If it is truly the intention that bids

⁵⁵ 47 C.F.R. § 54. 511(a).

that are twice as much as the lowest bid are, on face, not cost-effective and should never win, then the program should explicitly allow applicants to disqualify those bids before the bid evaluation process begins, even if no disqualification factors are listed by the applicant in the FCC Form 470 and/or RFP. As it stands right now, applicants are required by FCC rules to evaluate all bids received and applicants do not have the authority to disqualify bids that are twice as expensive as the lowest bid received.

Second, USAC's process to determine cost-effectiveness is flawed. USAC's current interpretation of Ysleta places the applicant in an untenable position - the applicant is required to evaluate all bids, required to use specific bid criteria weighted in a specific manner and conduct an open and fair competitive bidding process. Even when an applicant complies with all of these rules and follows all of the approved processes, if a bid is awarded the most points and determined to be the best fit for the applicant's needs, but is twice as much as a lower bid, what can an applicant do? The applicant can't simply throw out the bid or disqualify it - not only would the winning bidder have legal recourse against the applicant should the applicant throw out that bid, but the applicant could very well be in violation of local or state competitive bidding rules for not proceeding with the bid that was awarded the most points. Under USAC's interpretation of Ysleta, that bid should never win, but using the FCC's competitive bidding process and rules it did. What is the point of following all of the competitive bidding rules if it produces an outcome that USAC won't fund?

There are no allegations of competitive bidding rule violations by the District. USAC's concerns about cost-effectiveness seem better directed at the bid evaluation process that produced an outcome that USAC deems too expensive (perhaps the Commission should set more stringent procedures for weighting Price of Eligible Goods and Services at 50% of the total

available points) than directing those concerns at the District. How can a winning bid be determined to be “too expensive” by USAC if the applicant properly evaluated price (and correctly awarded points) according to the Commission’s rules and procedures?

Third, USAC’s denial suggests the price differential should have been weighted more heavily than the District weighted it. To reach such a result, USAC is effectively overruling Commission precedent that only requires that pricing be given at least one more point than any other individual category.⁵⁶

At a minimum, USAC’s decision here substitutes its judgment on the merits of the competitive bidding process for that of the District. When the Commission established the rules for the E-rate program in 1997, it stressed that a fundamental principle would be the determination of local needs by local decision-makers regarding what services would work best for that school or school district.⁵⁷ It did not try to impose a top-down regime where the federal government decided the merits of each service choice of a particular school or district. The idea was that the thousands of schools and districts would know their own technology needs better than the federal government. The Commission has not wavered from this principle. If this decision stands, USAC would be free to evaluate the merits of the respective bidders without the

⁵⁶ As described above, USAC appears to be going beyond Commission precedent to establish a new standard without basis in Commission precedent. USAC, however, is not authorized by the Commission to interpret Commission rules. Under the Commission’s rules, USAC “may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress.” 47 C.F.R. § 54.702(c). To the extent the Commission’s rules are unclear, USAC has no authority to act without first seeking guidance from the Commission. *See id.* Moreover, the District proceeded entirely in accordance with Commission precedent when it evaluated relevant factors other than price. As a result, USAC has acted outside its authority by finding that Fort Gibson, despite having strictly followed the Commission’s rules and precedent, failed to adhere to the Commission’s requirements. Furthermore, if the Commission decides that a revision to the rule would advance program goals, such an interpretation should be provided by the Commission before it is applied, and following a notice-and-comment rulemaking.

⁵⁷ *Universal Service Order* at ¶¶ 481, 574.

knowledge that applicants have regarding service quality, service history, personnel qualifications, and the value they are receiving for the services purchased. There is simply no way USAC can make a proper evaluation of the bids without that information. In this case, while Fort Gibson has attempted to provide that information in responses to USAC's reviews, it appears that USAC has discounted the information or failed to take it into consideration, focusing exclusively on the price of the services.

D. If USAC Still Finds the Services Were Not Cost-Effective, USAC Should Commit Funding for Fort Gibson at a Level That Is Cost-Effective

USAC should, at a minimum, approve part of Fort Gibson's funding request. There is precedent for such an approach. In the *Fifth Report and Order*, the Commission provided direction for USAC for recovery of funding when it was improperly disbursed.⁵⁸ Cost-effectiveness is not directly addressed in that order.⁵⁹ However, some of the other illustrations provide guidance for the cost-effectiveness rule. If a carrier charges the beneficiary "an inflated price," the *Fifth Report and Order* directs that USAC should recover amounts disbursed in excess of what similar situated customers are normally charged in the marketplace."⁶⁰ Similarly,

⁵⁸ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, FCC 04-190 (2004) at ¶¶ 15-44 (*Fifth Report and Order*).

⁵⁹ *Id.* The Commission states that full recovery is appropriate for competitive bidding violations. However, this is not a competitive bidding violation. USAC found no issues with the competitive bidding process; it disagreed with the outcome. There are no allegations that the process was not fair and open, price was not the primary factor or that bids were not solicited for at least four weeks.

⁶⁰ *Fifth Report and Order* at ¶ 30. The Commission also discusses situations in which the beneficiary has requested a "clearly excessive" level of support. That situation is not applicable here, as the examples are those when the beneficiary is requesting a number of lines or equipment that is beyond what is necessary. There is no dispute here that the District requires this level of capacity for broadband services, nor are there any allegations that these services are duplicative or redundant.

here, if the standard is that cost two times other pricing is not cost-effective, then, by implication, a price 1.9 times the cost is cost-effective. As such, USAC could calculate the cost of the eligible service at 1.9 times that of a lower price and fund that amount for Fort Gibson. In addition, the Commission has ruled that, when two providers are providing the same service and one is less expensive, the applicant shall be reimbursed for its Internet connection at the lower rate.⁶¹ Following that logic, USAC could reimburse the applicant at the rates offered by a different provider. Such an approach would minimize the harm caused by USAC's delay in determining it had an issue with Fort Gibson's selection of Meet Point as its service provider.

* * *

For the reasons stated above, the District respectfully requests that USAC reconsider its initial decision and grant its funding requests for FY 2013 and FY2014. As the foregoing has demonstrated, the District met the Commission requirements for competitive bidding, and selected the most cost-effective bid available to meet its needs.

List of Exhibits

Exhibit 1: 2013 Request for Proposal

Exhibit 2: 2013 Bids Received

Exhibit 3: 2013 471 Application

⁶¹ *Schools and Libraries Universal Service Support Mechanism*, Requests for Review by Macomb Intermediate School District, CC Docket No. 02-6, Order, FCC 07-64 at ¶ 9 (2007). This rule is applicable when the applicant could have purchased all of the services from one provider at the lower rate but chose not to, and when the services provided do not exceed the total capacity required.

Exhibit 4: 2013 COMAD

Exhibit 5: 2014 Invitation for Competitive Bid (aka RFP)

Exhibit 6: 2014 Bids Received

Exhibit 7: 2014 471 Application

Exhibit 8: 2014 COMAD

Exhibit 9: Administrator Decision Letters

Exhibit 10: 2013 Evaluations

Exhibit 11: 2014 Evaluations

Affidavit

**Before the Federal Communications Commission
Washington, D.C.**

In the Matter Of)	
)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver)	Application Nos.: 901348, 950642
By Fort Gibson ISD 3)	
of the Funding Decisions by the)	
Universal Service Administration Company)	

Affidavit of Fort Gibson ISD 3

I, Jason Wicks, swear:

BACKGROUND

1. I am the Technology Director for the Fort Gibson School District and have been in this position since August of 2007. Responsibilities that I carry in this role are numerous. They are maintaining network gear, switches, district webpage master, approximately 800 desktops and currently approximately 1200 laptops (most of which are checked out to students), 200 iPads, manage 12 servers, manage HVAC network communication, manage security camera system, manage keyless entry system, manage copiers and their network communication to computers that need access, manage video conferencing, manage phone system, manage wi-fi settings, manage firewall, install/manage projectors, install/manage printers, install/manage SmartBoards, manage all-call/emergency system, manage district's Student Information System, and many other duties pertaining to the role of Technology Director and as directed by the Superintendent.

2. I began to work with former Technology Director in 1998 when I was hired as a Math teacher for Fort Gibson Middle School in 1998. Continued to work as Site technician until 2007 when was hired as Technology Director. I had a few classes taken in college regarding technology for students and directors.
3. I received a Bachelor's degree in Elementary Education, 1998. Received Master's Degree in Public School Administration, 2007
4. Fort Gibson Schools has approximately 1850 students across 4 main sites on our campus. Although there are 4 main sites of students at any time of the school day, we have 15 buildings on our entire campus. Until recently we were considered a rural school district, we are located about 10 miles from a city of nearly 40,000 people.
5. Our technology needs differ from teacher to teacher as they see fit for the best learning of their students, but we have in place a Learning Management System (LMS) where all students and teachers can turn lessons in or watch video lessons created by our teachers for educational strategies or content to our students or a use it as a location they can download documents that need to be completed by each student. Since starting the 1:1 Bring Your Own Device (BYOD) program in 2013-2014, the technology department has had to rely on all resources and support available to maintain over 2200 school owned devices. The IT staff has been comprised of only the Technology Director until the spring of 2014 when an assistant was hired to help with the every-growing needs of maintenance with laptops and upkeep of other technical items across the district. When laptops are damaged or need repair the turnaround time needs to be as quick as possible and with only one person doing this job it was not a satisfactory return time. This new hire was added to aid in gaining ground on the other technical issues across the campus.

IMPORTANCE OF TECHNOLOGY

6. Technology is a mainstay in our district and it is hard to remember what it was like before the computers/laptops entered our doors. All grades and attendance are entered online. Teachers know that they have access to virtual field trips and that is available to their students. All lesson plans district wide are entered digitally and accessed on-line by the parent and/or student. Via our student management system, student attendance and other reports can be viewed by our patrons. We use our district website to communicate to students and parents as well as multiple social media outlets and subscription-based applications to alert teachers and/or parents and students of changes in the regularly scheduled day and also of any important events that are happening.
7. If for some reason our phone system was to go down or not be sufficient it would cause issues for our parents to be able to call in and communicate as to reasons for absent students. Accounts payable and others at the admin level would not be able to complete many tasks. But if the Internet was not accessible or sufficient during the school day, teachers, students, staff and administrators of all levels would be effected. Picture at any one time, nearly 1000 wireless devices not being able to carry out the tasks set before them by the user to watch an educational video, download a worksheet, or complete an online test set in motion by either the classroom teacher or the state of Oklahoma's End of Instruction tests. Also the tasks of the teacher to enter grades and the student information connecting to the State Department's WAVE system to communicate with the current data of the school would be hampered. School would still go on because our teachers are of highest quality, but things would be different in our classrooms.

In the past, we were with the “State Network,” OneNet, but had many issues where they would not realize they were not able to deliver bandwidth to our facility with high reliability. Calls were made to them and they told us we were at fault or they did not see any problems. Days later after connection was restored, without any work done on our end, OneNet would call in, to our then Technology Director, and tell him we were down, when in fact, it was days ago and we were up and running at that present time of the call. Although that occurred many years ago, we have continued to be concerned about OneNet’s ability to provide the service that we need. Our lack of confidence in OneNet was reinforced by a statement by their Director, Von Royal, in a meeting with the Cooperative Council of Oklahoma School Administrators in November 2014. In that meeting, Mr. Royal made the statement that he realized that OneNet had been inadequate in the past, but they were working to improve. Several administrators were at that meeting and can confirm his statement. There was too much at stake when we transitioned to a 1:1 device school three years ago, to risk going with a company who by their own admission had been inadequate.

THE PROCUREMENT

8. As Technology Director I felt the needs of the district were:

- i. We needed affordable connectivity sufficient to handle our needs for administrative duties, activity of students and our teachers.
- ii. We needed reliable connectivity to support the learning and teaching experiences; and
- iii. We needed quality connectivity to assure that the schools received content appropriate to their needs, and filtered out content that was inappropriate.

- iv. We needed network protections (i.e., firewall) sufficient to protect the network from third-party spam, attacks, and viruses. The advantage of Meetpoint over other vendors is that they proactively adjust and monitor the attacks from other parts of the state, nation, or world that could affect our users and network.
 - v. We needed to ensure that, if the network went down, our provider would be available to be on-site and assist with restoring service as soon as possible.
9. Accordingly, decided what evaluation criteria to use to evaluate the bids received.
10. I received a list of possible categories from our consultant, CRW Consulting, but I determined which categories we would use for evaluation of the bids.
11. The competitive bidding process was fair and open. Meet Point did not have any role in the development of the RFP nor did it have any information not available to any other bidder.

THE EVALUATION PROCESS 2013 (Internet)

12. I decided to use “Price of Eligible Goods & Services,” “Service History,” “Expertise of Company,” “Understanding of Needs/Completeness of Bids,” and “Location of Company.” “Price of Eligible Goods & Services” maximum points awarded is set to 25 because pricing should be given the top priority in choosing a vendor, “Service History,” maximum points is set to 20 because the service history with the company/people is an important decision factor to be considered should a client need to lean on the company for high level service. “Expertise of Company” can be awarded 20 points because the

company/people involved in the daily events of the company to do things to the best of my needs is crucial in the wellbeing of my network and my end-users. “Understanding of Needs/Completeness of Bids” can be awarded 20 points due to the fact that if a bid does not meet your expectations of how something will be delivered or if the bid is lacking something requested or needed to make the purchase more worthy for the money spent. The “Location of Company” can be awarded 15 points because if their needs to be on-site technical work the closest company to my campus is more valuable than a company that is based in a different state or country.

13. “Price of Eligible Goods & Services” – I was looking strictly at the price. The best price was given the highest score of 25, worst price was given lowest possible score of 1 (because they did give a price, score of 0 would have showed no price given), the third vendor was scaled in the points awarded.

“Service History” – Our service history with the MeetPoint Networks owners/employees have been exceptional in the past when we used them as a sub-contractor with AT&T and then with Cox Communications. Their work ethic and knowledge is the best for us, especially compared to previous vendors. Previously when we were with OneNet (former ISP vendor), any internet problems we had were not seen by their programs or employees at that instant in time. They were not up-to-date with any of our problems and the issues would be noticed days later on their end. This was frustrating to our tech staff that there was a critical event occurring and they had no way of seeing or resolving the problem. No service history has been established with SkyRider Communication Company.

“Expertise of Company” - MeetPoint keeps an eye on our internet circuit 24/7/365. If an

issue arises on our circuit, they are on top of it and are working to remedy the problem immediately. This idea of maintaining or grooming the circuit is what keeps us from interruptions like some entities have on a near daily basis because their internet providers lack to do this degree of service. The service we received from the company/owners is the best of all vendors we use for any service at our school. Technical support calls are answered by the person I call, there is not an automated phone system that I have to press 1 or 2 or 9. I just call or text the company and get a near immediate response.

“Understanding of Needs/Completeness of Bids” – Points were awarded in this category based on the best bang for the buck for the school. OneNet was called and I was told that they do not proactively monitor and block security threats to our school. This category not only can have a complete bid, but allow for the school to gain in the end. Security is also a big part of Fort Gibson Schools choosing MeetPoint Networks. MPN blocks 2 million attacks per day. These attacks are not all headed to our network, but we know that without their knowledge and their appliances blocking those attacks, our internet bandwidth would be degraded with mal-ware, viruses, and other network prohibitive items that would take up a large part of our purchased bandwidth, thus MPN helps us in maximizing our internet bandwidth. Along with the security aspect, MPN combs through our egressing internet activity and notifies me as soon as they see any strange activity or traffic that we should be aware of and will assist in finding a resolution to the problematic traffic that could pose a threat to our school network, and, in turn, our internet bandwidth speeds. The company with the fullest understanding of things offered to our school received the most points, where the lowest points would be the most basic of fulfillment on understanding our needs/wants.

“Location of Company” – The location of the company is a benefit for our school district as well. If any help is needed the company owner(s) will make us a priority and travel to us to help or repair anything needed on a prompt schedule. The closest company was given the most points, farthest away company was given 0 points.

14. I completed the evaluation process alone and took approximately 3 hours to complete

- a. The “Price of Eligible Goods & Services,” price was the greatest factor in the Erate rubric. The lowest-priced bidder, OneNet received the most points available in this category – 25 points. The highest-priced bidder, Meet Point, received the fewest points available, 1.

In regards to “Service History,” SkyRider was awarded 0 points due to the lack of history with their owners/company, OneNet was given 5 out of 20 due to difficulties our school had with their connection and history in the past and hearing concerns from other schools about OneNet’s capabilities. MeetPoint was awarded 20 points due to the high standards and history with their service.

For the category of “Expertise of Company,” I felt that I could not rate SkyRider lower than OneNet on their expertise of the company/owners, but felt that the 5 points given were adequate for OneNet’s knowledge dealing with our past incidents, MeetPoint was awarded 20 points for the over and above quality of the expertise from the company/owners.

For “Understanding of Needs/Completeness of Bids,” Skyrider did not include firewall services. This did not fit our needs, so I ranked them with 5 points, MeetPoint with 20 due to their offerings to our school district, and OneNet fell in the middle of the allowable points with 10.

For “Location of Company,” it was determined by the location of the home based headquarters, MeetPoint in Tulsa Area, OneNet in Oklahoma City area. Sky rider, based in Louisiana but did state that they had an office or employees in Oklahoma City. The fact that MeetPoint and OneNet were home based in Oklahoma ranked them higher than Sky rider. Awarded 15, 10, and 0 points respectively.

- b. MeetPoint provided on-site tech support and head-end firewall services. These were not listed on the OneNet or Sky rider bid. These services were very important to us as we only had one IT person (who was spread way too thin) at the time the 2013 bid evaluations were completed.

15. Points totaled 30 for SkyRider, 55 for OneNet, and 76 for MeetPoint.

THE EVALUATION PROCESS 2014 (Internet)

16. I decided to use “Price of Eligible Goods & Services,” “Service History,” “Expertise of Company,” “Understanding of Needs/Completeness of Bids,” and “Location of Company.” “Price of Eligible Goods & Services” maximum points awarded is set to 25 because pricing should be given the top priority in choosing a vendor, “Service History,” maximum points is set to 20 because the service history with the company/people is an important decision factor to be considered should a client need to lean on the company for high level service. “Expertise of Company” can be awarded 20 points because the company/people involved in the daily events of the company to do things to the best of my needs is crucial in the wellbeing of my network and my end-users. “Understanding of

Needs/Completeness of Bids” can be awarded 20 points due to the fact that if a bid does not meet your expectations of how something will be delivered or if the bid is lacking something requested or needed to make the purchase more worthy for the money spent.

The “Location of Company” can be awarded 15 points because if their needs to be on-site technical work the closest company to my campus is more valuable than a company that is based in a different state or country.

17. “Price of Eligible Goods & Services” – I was looking strictly at the price. The best price was given the highest score of 25, worst price was given lowest possible score of 1 (because they did give a price, score of 0 would have showed no price given).

“Service History” – Our service history with the MeetPoint Networks owners/employees have been exceptional in the past when we used them as a sub-contractor with AT&T and then with Cox Communications. Their work ethic and knowledge is the best for us, especially compared to previous vendors. Previously when we were with OneNet (former ISP vendor), any internet problems we had were not seen by their programs or employees at that instant in time. They were not up-to-date with any of our problems and the issues would be noticed days later on their end. This was frustrating to our tech staff that there was a critical event occurring and they had no way of seeing or resolving the problem.

“Expertise of Company” - MeetPoint keeps an eye on our internet circuit 24/7/365. If an issue arises on our circuit, they are on top of it and are working to remedy the problem immediately. This idea of maintaining or grooming the circuit is what keeps us from interruptions like some entities have on a near daily basis because their internet providers lack to do this degree of service. The service we received from the company/owners is

the best of all vendors we use for any service at our school. Technical support calls are answered by the person I call, there is not an automated phone system that I have to press 1 or 2 or 9. I just call or text the company and get a near immediate response.

“Understanding of Needs/Completeness of Bids” – Points were awarded in this category based on the best bang for the buck for the school. OneNet was called and I was told that they do not proactively monitor and block security threats to our school. This category not only can have a complete bid, but allow for the school to gain in the end. Security is also a big part of Fort Gibson Schools choosing MeetPoint Networks. MPN blocks 2 million attacks per day. These attacks are not all headed to our network, but we know that without their knowledge and their appliances blocking those attacks, our internet bandwidth would be degraded with mal-ware, viruses, and other network prohibitive items that would take up a large part of our purchased bandwidth, thus MPN helps us in maximizing our internet bandwidth. Along with the security aspect, MPN combs through our egressing internet activity and notifies me as soon as they see any strange activity or traffic that we should be aware of and will assist in finding a resolution to the problematic traffic that could pose a threat to our school network, and, in turn, our internet bandwidth speeds. The company with the fullest understanding of things offered to our school received the most points, where the lowest points would be the most basic of fulfillment on understanding our needs/wants.

“Location of Company” – The location of the company is a benefit for our school district as well. If any help is needed the company owner(s) will make us a priority and travel to us to help or repair anything needed on a prompt schedule. The closest company was given the most points.

18. I completed the evaluation process alone and took approximately 3 hours to complete

- a. The “Price of Eligible Goods & Services,” price was the greatest factor in the Erate rubric. The lowest-priced bidder, OneNet received the most points available in this category – 25 points. The highest-priced bidder, Meet Point, received the fewest points available, 1.

In regards to “Service History,” OneNet was given 7 out of 20 due to difficulties our school had with their connection and history in the past and hearing concerns from other schools about OneNet’s capabilities. MeetPoint was awarded 20 points due to the high standards and history with their service.

For the category of “Expertise of Company,” I felt that the 5 points given were adequate for OneNet’s knowledge dealing with our past incidents, MeetPoint was awarded 20 points for the over and above quality of the expertise from the company/owners.

For “Understanding of Needs/Completeness of Bids,” MeetPoint with given 20 points due to their offerings to our school district, and OneNet fell in the middle of the allowable points with 10.

For “Location of Company,” it was determined by the location of the home based headquarters, MeetPoint in Tulsa Area, OneNet in Oklahoma City area, 15 and 10 points, respectively.

- b. MeetPoint provided on-site tech support and head-end firewall services. These were not listed on the OneNet. These services were very important to us as we only had one IT person (who was spread way too thin) at the time the 2014 bid

evaluations were completed.

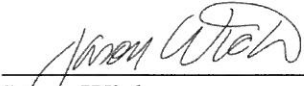
19. Points totaled 57 for OneNet, and 76 for MeetPoint.

USAC REVIEW OF THESE APPLICATIONS

20. Although, I do understand that our vendor selection for ISP was more expensive, the rubric used in the past year had been approved and funded by USAC. We did all the price of the service to hold the most weight and thus it seems to be fair and equal among all players involved. Because the application for service was funded in prior year, I kept using the same standard/rubric. Why would I change? There was not a letter stating that I needed to change anything in my process.

21. As I understand the standard, we were to make a choice of the most “cost-effective” provider. Accordingly, we evaluated the services on quality and other things listed in our rubric to make the playing field level, but the most weight was given to the price. The winning bid had the lowest possible number of points allowed.

I certify under penalty of perjury that the foregoing is true and correct.



Jason Wicks
500 South Ross
Fort Gibson, OK 74434

Subscribed and sworn to before me this 11th day of July, 2016.

Diane Hendrix
Notary Public



Exhibit 1: Request for Proposal



918.445.0048

Request for Proposal

224

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19 December 2012

Fort Gibson ISD 3**District Address**500 S Ross Ave, Fort Gibson, OK
74434**RFP ID:** 755420001082761**Bid Deadline:**

16 January 2013

Questions Due By:

09 January 2013

RFP Requirements

- All Questions and Bids must be submitted using the on-line RFP system. If for some reason the system is down before the respective deadline, please email your bid to info@crwconsulting.com or fax it to 918.445.0049. Bids or questions submitted in this fashion will be disqualified if the on-line system is active at the time of submission.
- Bidder must agree to participate in USF Program (AKA "E-rate") for the corresponding funding year.
- Please include the correct Service Provider Identification Number (SPIN) on your bid.
- By submitting a bid, bidder certifies that the bidder does have a valid (non-red light status) SPIN for the E-rate program at the time of submission. Should the Applicant discover that the bidder is on red light status, or if the FCC classifies the bidder as on red-light status before work is performed and invoices are paid, the contract will be null and void and the applicant will have no payment obligations to the bidder.
- Bidder is expected to provide the lowest corresponding price per E-rate rules. See <http://www.usac.org/sl/service-providers/step02/lowest-corresponding-price.aspx> for details.
- Contracts should be contingent upon E-rate funding unless stated otherwise.
- Bidder must agree to provide the Applicant the choice of discount methods (SPI or BEAR).
- Bidder will be automatically disqualified if the District determines that the bidding company has offered any employee of the District any individual gift of more than \$20 or gifts totaling more than \$50 within a 12 month period.
- Depending on E-rate funding, the district may choose to proceed with all or part of the projects, at the district's discretion.
- All contracts awarded under this RFP bidding process may be voluntarily renewed by the applicant, upon written notice to the provider, for five consecutive one year terms.

Services and Equipment Requested

Local and long distance service - Approx 65 lines

Cellular phone service including data plans - Approx 19 lines

Web Hosting for district and 4 schools

Internet Access - Minimum 3 Mb bandwidth. Terminating address for this circuit is 500 S Ross Ave, Fort Gibson 74434 (918) 478.

Internet Access - Minimum 20 Mb bandwidth, district considering up to 50, 75 or 100 Mb bandwidth. Please provide scalable quotes/contract for circuit terminating at 500 S Ross Ave, Fort Gibson, 74434 (918)478.

[Upload Bid](#)



Questions Received with District Answers:

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No Data

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P.O. Box 701713
Tulsa, OK 74170-1713
Voice: (918) 445-0048
Fax: (918) 445-0049

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Exhibit 2: Bids Received



Meet Point Networks, LLC

Customer Service Proposal

Proposal Date 1-11-2013

Proposal # MPN 1275

SPIN# 143035519

Meet Point Networks Rep: Mike Pennell
Phone Number: 918.633.6896

Meet Point Networks
P.O. Box 339
Bixby, OK 74008
Voice 918.557.0277
www.meetpointnetworks.com

Page one (1) of this document is for Internet access pricing options and is informational only.
Page two (2) through four (4) is the service agreement contract.

Any estimates in this bid based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.

Customer Information

Customer Name: Fort Gibson
Street Address: 500 S Ross Ave
City/St/Zip: Fort Gibson OK 74434
Federal Tax ID:

Taxes and Fees Not Included

	Service Description	New Qty	Terms (months)	Type	Monthly Recurring Charge	Annual Charge	One Time Activation and Setup
1	20 Mb Internet Access	1	60	New	\$4,787.50	\$57,450.00	\$0.00
2	40 Mb Internet Access	1	60	New	\$6,618.00	\$79,416.00	\$1,500.00
3	100 Mb Internet Access	1	60	New	\$11,574.00	\$138,888.00	\$1,500.00
4							
5							
6							

NewNet 66 Services

~ NewNet 66 Services are included in the pricing above.

- ~ 24 x 7 Internet Access Troubleshooting & Repair - NewNet 66 will work to restore functional Internet access – this includes working with all of the necessary telecommunication providers and calling in trouble tickets, if necessary.
- ~ On site visits to restore Internet Access, if necessary.
- ~ Unlimited Email Accounts supporting POP3, Web Mail, and IMAP. (student accounts available on request)
- ~ Web Site Hosting Service - 10 Gigabit of space. This service does not include the creation or modification of content.
- ~ Firewall management to include Juniper Networks and Fortigate firewalls.



Meet Point Networks, LLC

Meet Point Networks Service Agreement

1-11-2013

Fax signed copy to 918.512.4400

or email to

contracts@meetpointnetworks.com

SPIN# 143035519

Customer Name: Fort Gibson

Street Address: 500 S Ross Ave

City/St/Zip: Fort Gibson OK 74434

Federal Tax ID:

Meet Point Networks

P.O. Box 339

Bixby, OK 74008

Voice 918.557.0277

Check the service you want below. Select only one.

	Service Description	New Qty	Unit Price	Terms (months)	Type	Monthly Recurring Charge	Annual Charge	One Time Activation and Installation
1	<input type="checkbox"/> 20 Mb Internet Access	1		60	New	\$4,787.50	\$57,450.00	\$0.00
2	<input type="checkbox"/> 40 Mb Internet Access	1		60	New	\$6,618.00	\$79,416.00	\$1,500.00
3	<input type="checkbox"/> 100 Mb Internet Access	1		60	New	\$11,574.00	\$138,888.00	\$1,500.00
4	<input type="checkbox"/>							
5								
6								

Any estimates in this bid based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.

E-Rate Customers E-rate customers: The term of this contract is 60 months. During the term of this contract, the applicant may choose any of the above service levels and upgrade to those levels upon written notice to Meet Point Networks. Meet Point Networks will determine the turn up time after the customer contacts us to begin the process.

Customer Authorized Signature

Meet Point Networks Authorized Signature

Mike Pennell

Signature

Mike Pennell

Print

President

Title or Position

1-11-2013

Date

Signature

Print

Title or Position

Date

By signing this Service Agreement, you represent that you are the authorized Customer representative and the above information is true and correct and you accept this Agreement. Both parties agree that each party may use electronic signatures to sign this Service Agreement.

Meet Point Networks may withdraw the proposal at any time prior to Customer signature. If within (30) days after Customer signature, Meet Point Networks determines that customer location is not serviceable under Meet Point Networks normal installation guidelines, Meet Point Networks may withdraw this Service Agreement without liability. Both parties agree that each party may use electronic signatures to sign this Service Agreement.

1. Tariffs/Service Guide If Customer is purchasing any Services that are regulated by the FCC or any state regulatory body ("Regulated Services"), then Customer's use of such Regulated Services is subject to the regulations of the FCC and the regulatory body of the state in which the Customer location receiving these Regulated Services is located (which regulations are subject to change), as well as the rates, terms, and conditions contained in tariffs on file with state and federal regulatory authorities. Termination fees include, but are not limited to, nonrecurring charges, charges paid to third parties on behalf of Customer, and the monthly recurring charges for the balance of the Term.

2. Service Start Date and Term This Agreement shall be effective upon execution by the parties. The "Initial Term" shall begin upon installation of Service and shall continue for the applicable Term commitment set forth on the Cover Page; provided that if Customer delays installation or is not ready to receive Services on the agreed-upon installation date, Meet Point Networks may begin billing for Services on the date Services would have been installed. Meet Point Networks shall use reasonable efforts to make the Services available by the requested service date. Meet Point Networks shall not be liable for damages resulting from delays in meeting service dates due to construction delays or reasons beyond its control. If Customer delays installation for a period of three (3) months or longer after the parties' execution of this Agreement, Meet Point Networks reserves the right to terminate this Agreement immediately at any time thereafter and Customer shall be responsible for the full amount of construction costs and any other related costs incurred by Meet Point Networks as of the date of termination. AFTER THE INITIAL TERM, THIS AGREEMENT SHALL AUTOMATICALLY RENEW FOR ONE (1) YEAR TERMS (EACH AN "EXTENDED TERM") UNLESS A PARTY GIVES THE OTHER PARTY WRITTEN TERMINATION NOTICE AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OR THEN CURRENT EXTENDED TERM. "Term" shall mean the Initial Term and Extended Term (s), if any. Meet Point Networks reserves the right to increase rates for all Services by no more than ten percent (10%) during any Extended Term by providing Customer with at least sixty (60) days written notice of such rate increase. For the avoidance of doubt, promotional rates and promotional discounts provided to Customer will expire at the end of the Initial Term or earlier as set forth in the promotion language. Customer's payment for Service after notice of a rate increase will be deemed to be Customer's acceptance of the new rate.

3. Termination Customer may terminate any Service before the end of the Term selected by Customer on the Cover Page; provided, however, if Customer terminates any such Service before the end of the Term (except for breach by Meet Point Networks), unless otherwise expressly stated in the General Terms, Customer will be obligated to pay a termination fee equal to the nonrecurring charges (if unpaid) and 100% of the monthly recurring charges for the terminated Service(s) multiplied by the number of full months remaining in the Term. This provision survives termination of the Agreement. If Meet Point Networks is delivering Services via wireless network facilities and there is signal interference with any such Service(s), Meet Point Networks may terminate this Agreement without liability if Meet Point Networks cannot resolve the interference by using commercially reasonable efforts.

4. Payment Customer shall pay for all monthly Service charges, plus one- time activation and set up, and/or construction charges. Unless stated otherwise herein, monthly charges for Services shall begin upon installation of Service, and installation charges, if any, shall be due upon completion of installation. Any amount not received by the due date shown on the applicable invoice will be subject to interest or a late charge no greater than the maximum rate allowed by law. Customer acknowledges and agrees that if Customer fails to pay any amounts when due and fails to cure such non-payment upon receipt of written notice of non-payment from Meet Point Networks, Customer will be deemed to have terminated this Agreement and will be obligated to pay the termination fee described in Section 5, above. If applicable to the Service, Customer shall pay sales, use, gross receipts, and excise taxes, access fees and all other fees, universal service fund assessments, bypass or other local, state and Federal taxes or charges, and deposits, imposed on the use of the Services. Taxes will be separately stated on Customer's invoice. No interest will be paid on deposits unless required by law.

5. Service and Installation Meet Point Networks shall provide Customer with the Services identified on the Cover Page and may provide related facilities and equipment, the ownership of which shall be retained by Meet Point Networks (the "Meet Point Networks Equipment"), or for certain Services, Customer, may purchase equipment from Meet Point Networks ("Customer Purchased Equipment"). Customer is responsible for damage to any facilities or equipment installed or provided by Meet Point Networks (the "Meet Point Networks Equipment"). Customer may use the Services for any lawful purpose, provided that such purpose (a) does not interfere or impair the Meet Point Networks network or Meet Point Networks Equipment and (b) complies with the AUP. Customer shall use the Meet Point Networks Equipment only for the purpose of receiving the Services. Customer shall use Customer Purchased Equipment in accordance with the terms of the related equipment purchase agreement. Unless provided otherwise herein, Meet Point Networks shall use commercially reasonable efforts to maintain the Services in accordance with applicable performance standards.

Contract is subject to availability of facilities and construction charges.

6. General Terms The General Terms are hereby incorporated into this Agreement by reference. Meet Point Networks, in its sole discretion, may modify, supplement or remove any of the General Terms from time to time, without additional notice to Customer, and any such changes will be effective upon Meet Point Networks publishing such changes on the Meet Point Networks web site. BY EXECUTING THIS AGREEMENT AND/OR USING OR PAYING FOR THE SERVICES, CUSTOMER ACKNOWLEDGES THAT IT HAS READ, UNDERSTOOD, AND AGREED TO BE BOUND BY THE GENERAL TERMS.

7. LIMITATION OF LIABILITY MEET POINT NETWORKS AND/OR ITS AGENTS SHALL NOT BE LIABLE FOR DAMAGES FOR FAILURE TO FURNISH OR INTERRUPTION OF ANY SERVICES, NOR SHALL MEET POINT NETWORKS OR ITS AGENTS BE RESPONSIBLE FOR FAILURE OR ERRORS IN SIGNAL TRANSMISSION, LOST DATA, FILES OR SOFTWARE DAMAGE REGARDLESS OF THE CAUSE. MEET POINT NETWORKS SHALL NOT BE LIABLE FOR DAMAGE TO PROPERTY OR FOR INJURY TO ANY PERSON ARISING FROM THE INSTALLATION OR REMOVAL OF EQUIPMENT UNLESS CAUSED BY THE NEGLIGENCE OF MEET POINT NETWORKS. UNDER NO CIRCUMSTANCES WILL MEET POINT NETWORKS BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS, ARISING FROM THIS AGREEMENT OR ITS PROVISION OF THE SERVICES.

8. WARRANTIES EXCEPT AS PROVIDED HEREIN, THERE ARE NO OTHER AGREEMENTS, WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE SERVICES. SERVICES PROVIDED ARE A BEST EFFORTS SERVICE AND MEET POINT NETWORKS DOES NOT WARRANT THAT THE SERVICES, EQUIPMENT OR SOFTWARE SHALL BE ERROR-FREE OR WITHOUT INTERRUPTION. INTERNET SPEEDS WILL VARY. MEET POINT NETWORKS MAKES NO WARRANTY AS TO TRANSMISSION OR UPSTREAM OR DOWNSTREAM SPEEDS OF THE NETWORK.

9. Public Performance. If Customer engages in a public performance of any copyrighted material contained in any of the Services, Customer, and not Meet Point Networks, shall be responsible for obtaining any public performing licenses at Customer's expense.

E-Rate Funding Year 2013



**SPIN 143015254
FCC RN 001199307**

**MTM – INTERNET ACCESS
(Month to Month service -- no contract needed)**

Fort Gibson ISD

Proposal Contingent upon E-Rate Funding

<u>Internet Access Service</u>	<u>Monthly\$</u>	<u>Annual\$</u>
20mb	\$1,143.00	\$13,716.00
50mb	\$1,296.00	\$15,552.00
100mb	\$2,300.00	\$27,600.00

OneNet Internet services include the connection from your location to our hub site, unlimited email services, web hosting, and related technical support.

Customer will need to provide their own router:

- ALL options will require router with 2 Fast Ethernet Interfaces; one interface for internet connection and one for LAN

Proposed By:

A handwritten signature in black ink, appearing to read "Ami Layman".

Ami Layman

Accounts Receivable Supervisor
OneNet
PO Box 108800
Oklahoma City, OK 73101-8800
(888) 566-3638

Accepted By:

Authorized Signature

Date

**If you select OneNet as your provider, please sign and date this with your
allowable contract date based on your 470 posting.**

Please contact OneNet when you are ready to order services.

RETAIN ORIGINAL FOR YOUR ERATE RECORDS

Proposal for

Internet and Wide Area Network

470 Application Number: 755420001082761

2013-2014 Funding Year

PRESENTED BY:



SkyRider Communications, Inc.
1200 Arkansas Road
West Monroe, Louisiana 71291
(800) 536-7035

Statement of Confidentiality:

This document includes data that shall not be disclosed to any third party and shall not be duplicated, used or disclosed – in whole or in part – for any purpose other than for internal evaluation of this document. If a contract is awarded to SkyRider Communications as a result of, or in conjunction with the submission of this document, except as noted, the contracted parties shall have the right to duplicate, use or disclose that data to the extent provided in the resulting contract.



Fort Gibson Public Schools
500 S. Ross
Fort Gibson, OK 74434

Submitted online via email to CRW Consulting: 1-15-2013

Ref: Priority 1 Services ~ FY2013-2014 ~ 470 ID # 755420001082761 :

It is our privilege to present the following proposal for Priority 1 services for the Fort Gibson School District. The proposed Internet and Wide Area Network will provide a scalable, reliable, high throughput infrastructure for your District. SkyRider's recommended services improves bandwidth and includes element management, security and support to assure bandwidth and network resource needs.

SkyRider is an authorized E-rate vendor. SkyRider Communication's, Inc.'s FCC Filer 499 ID is 826572. SkyRider Communications is registered with Schools and Libraries Division. The SPIN for SkyRider Communications, Inc. is 143031192. SkyRider's capabilities to deliver and manage customized telecommunications services are unique and a key advantage to school districts considering broadband access today. Key benefits to the Fort Gibson School District include:

- Increased Bandwidth
- Reliable Connection
- 24x7x365 Monitoring Service
- Professionally Installed Network Components
- Best Service After the Sale

SkyRider has an outstanding reputation in the telecommunications industry and has assembled a highly capable and qualified staff. We have a combined 60 years of experience in Telecommunications, Internet, Wide Area Network (WAN), and Local Area Network (LAN) solutions. SkyRider personnel have been involved in the E-Rate process since its inception.

Thank you and the Fort Gibson Schools for your consideration of SkyRider's proposal. On behalf of the entire SkyRider team, we look forward to providing a reliable and secure network solution.

I am fully authorized to sign on behalf of SkyRider Communications, Inc.

A handwritten signature in black ink, appearing to read "Brad Warden", is written over a horizontal line.

Brad Warden
President, CEO
SkyRider Communications, Inc.
(318) 680-6400



Company Profile:

SkyRider Communications, Inc.

1200 Arkansas Road
West Monroe, LA 71291
(800) 536-7035
(318) 387-8440

USAC SPIN #: 143031192

FCC FRN #: 826572

Incorporated: 5/21/2001

State of Incorporation: Louisiana

Area of Service: Arkansas, Louisiana, Mississippi, Oklahoma & Texas

Experience by area of expertise:

- Telecom & Internet Services 20 + years
- Network Infrastructure 10 + years
- Outside Plant & Inside Wiring 7 + years
- E-Rate Projects 7 + years

Project Team

SkyRider project team members provide complimentary independent competencies including wireless network design and engineering, project management and telecommunications construction.

- Project Executive: Brad Warden, President SkyRider West Monroe, La
- Project Manager: Gary Godard, Vice President SkyRider West Monroe, La
- Project Supervisor: Kevin Lynam, Supervisor SkyRider Double Oak, Texas

USAC/SPIN Search Results

SPIN	Service Provider Name	Contact Name	Contact Address	Contact Phone	Form 499 Filer	SPAC Filed
143031192	SkyRider Communications, Inc.	Brad W Warden	1200 Arkansas Road , West Monroe, LA 71291	318-325-9100	Y	2007 2008 2009 2010 2011 2012

As a Licensed Telecom Company, SkyRider participates in the Oklahoma State USF fund program.



Statement of Qualifications

Carrier Qualifications

SkyRider provides voice, video, data telecommunications services and high-speed Internet access for K-12 schools, state and local government and municipalities, healthcare systems, libraries, colleges and universities. SkyRider's focus is the design, installation, operation and management of government funded wide area networks (WAN).

SkyRider Communications, Inc. and its management team have been active in providing quality Telecom services for over 12 years. SkyRider Communications is a Regional Telecom provider serving many qualified customers within the geographic area of Louisiana, Mississippi, Texas, Oklahoma and Arkansas.

Our staff has assisted in the design and operation of many of the region's largest WANs, covering hundreds of square miles and delivering bandwidths of up to 10 Gigabit. As a licensed telecommunications carrier we provide unmatched management and customer service.

SkyRider and its staff hold industry and manufacturer certifications for the design, implementation, maintenance and support for the services customers receive.

SLD Qualifications

The FCC Filer 499 ID assigned to SkyRider Communications is 826572. SkyRider Communications is registered with Schools and Libraries Division. The SPIN for SkyRider Communications, Inc. is 143031192.

FCC and PSC Qualifications

SkyRider Communications, Inc. is registered and in good standing with the FCC. SkyRider is licensed with Public Service Commissions in the States of Louisiana and Oklahoma.

Locations and Availability

SkyRider Communications maintains offices or employees in the following locations:

Main Branch 1200 Arkansas Road West Monroe, Louisiana 71291
Double Oak, TX
Oklahoma City, OK

SkyRider maintains a 24/7 System monitoring facility that identifies issues as soon as they arise. A large amount of troubleshooting and fault isolation can be done remotely. In addition, when required, field technicians are on call 24/7.

Licensed General Contractor

SkyRider Communications, Inc. through its president, Brad Warden, is a licensed General Contractor, specializing in Telecommunications.

Financial Summary

Internet And Wide Area Network

Description	QTY	Monthly Cost Each	Total Mnthly Cost
20 Mbps dedicated Internet connection delivered via fiber with Ethernet handoff.	1	\$3,399	\$3,399
	OR		
50 Mbps dedicated Internet connection delivered via fiber with Ethernet handoff.	1	\$3,499	\$3,499
	OR		
100 Mbps dedicated Internet connection delivered via fiber with Ethernet handoff.	1	\$4,495	\$4,495
1000 Mbps dedicated Ethernet connection between Early Learning, Intermediate, North Education building, Middle School, Admin and the High School.	6	\$665	\$3,990
<i>*Pricing includes Turn Key Installation, Routers, 24x7x365 Monitoring and Priority Service</i>			

Exhibit 3: 471 Application

FCC Form 471

Approval by OMB
3060-0806**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471****Estimated Average Burden Hours per Response: 4 hours**

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual

charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)**The instructions include information on the deadlines for filing this application.**

Applicant's Form Identifier (Create an identifier for your own reference) Fort Gibson Y16	Form 471 Application #: 901348 (To be assigned by administrator)
Block 1: Billed Entity Address and Identifications	
<div>1 Name of Billed Entity FORT GIBSON PUBLIC SCHOOLS</div> <div>2 Funding Year 2013</div> <div>3a Entity Number 140180</div> <div>3b FCC Registration Number 0007685712</div> <div>4a Street Address, P.O. Box, or Route Number 500 S ROSS</div> <div> City FORT GIBSON State OK Zip Code 74434-8422</div> <div>4b Telephone Number (918) 478-2474</div> <div>4c Fax Number (918) 478-8533</div> <div>5a Type of Application (check only one) <input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries) <input type="radio"/> Statewide application for (enter 2-letter state code) representing (check all that apply) <input type="checkbox"/> All public schools/districts in the state <input type="checkbox"/> All non-public schools in the state <input type="checkbox"/> All libraries in the state</div> <div>5b Recipient(s) of Services: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Charter <input type="checkbox"/> Tribal <input type="checkbox"/> Head Start <input type="checkbox"/> State Agency</div>	
Entity Number: 140180	Applicant's Form Identifier: Fort Gibson Y16
Contact Person: Chris Webber or Karla Hall	Contact Phone Number: (918) 445-0048
Block 1: Billed Entity Address and Identifications (continued)	
<div>6a Contact Person's Name Chris Webber or Karla Hall</div> <div>If the Contact Person's Street Address is the same as Item 4 above, check here. <input type="checkbox"/> If not, complete Item 6b.</div> <div>6b Street Address, P.O. Box, or Route Number NOTE: USAC will use this address to mail correspondence about this form. PO BOX 701713</div> <div> City TULSA State OK Zip Code 74170-1713</div> <div>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</div> <div><input type="checkbox"/> 6c Telephone Number (918) 445 - 0048 <input type="checkbox"/> 6d Fax Number (918) 445 - 0049 <input checked="" type="checkbox"/> 6e E-Mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com</div> <div> 6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address</div> <div> If a consultant is assisting you with your application process, please complete Item 6g below:</div> <div>6g Consultant Name Chris Webber Name of Consultant's Employer CRW Consulting Consultant's Street Address P.O. Box 701713</div> <div> City Tulsa State OK Zip Code 74170 Consultant's Telephone Number (918) 445-0048 Ext. Consultant's Fax Number (918) 445-0049 Consultant's E-mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com Consultant Registration Number 16024800</div>	

Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y16	
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048	
Complete this information on EVERY Form 471 you file for the services requested on that form. Please complete all rows that apply to services for which you are requesting discounts.			
Schools/school districts complete the left-hand column and libraries complete the right-hand column. Consortia complete all that apply.			
Block 2: Impact of Services Ordered for Schools and Libraries from this Form 471			
		Schools	Libraries
7a Number of students or patrons to be served	1830	0	
b Telephone service: Number of classrooms or rooms with phone service	115	0	
c Direct connections to the Internet: Number of drops	1000	0	
d Number of classrooms or rooms with Internet access	225	0	
e Number of computers or other devices with Internet access	900	0	
f Number of dial-up Internet access and other connections of up to 200 kbps :	0	0	
g High-speed Internet access services: Number of buildings served at the following speeds (please use advertised download speed coming into building, not actual speed in classroom or work area):	At or greater than 200 kbps and less than 1.5 mbps	0	0
	At or greater than 1.5 mbps and less than 3 mbps	6	0
	At or greater than 3 mbps and less than 10 mbps	0	0
	At or greater than 10 mbps and less than 25 mbps	0	0
	At or greater than 25 mbps and less than 50 mbps	0	0
	At or greater than 50 mbps and less than 100 mbps	0	0
	Greater than 100 mbps	6	0
Block 3:			
8 [Reserved]			

Entity Number: 140180						Applicant's Form Identifier: Fort Gibson Y16					
Contact Person: Chris Webber or Karla Hall						Contact Phone Number: (918) 445-0048					

Block 4: Discount Calculation Worksheet **Worksheet - 1540967**
Page 1 of 1

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

☐ Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s): (For Administrator's Use)

School District or Library System Name: **School District or Library System Entity Number:**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H= Head Start, A= Adult Education, J= Juvenile Justice, E= ESA, D= Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
FORT GIBSON EARLY LEARNING CENTER	84886 OK 1003 105	R	431	210	48.724%	70	N	N	N	30170				
FORT GIBSON INTERMEDIATE	84887 OK 1003 110	R	401	239	59.601%	80	N	N	N	32080				
ADMINISTRATION BUILDING	16049905	R	0	0	0.000%	66	N	N	N	0				
FORT GIBSON MIDDLE SCHOOL	84889 OK 1003 505	R	409	211	51.589%	80	N	N	N	32720				
NORTH EDUCATION BUILDING	16049906	R	878	211	24.032%	60	N	N	N	52680	P,A			
FORT GIBSON HIGH SCHOOL	84888 OK 1003 705	R	589	242	41.087%	70	N	N	N	41230				

9b Shared Services

SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.	2708								188880				70%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.													
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.													

Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y16																															
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048																															
Block 5: Discount Funding Request(s) Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		Block 5, page 1 of 6 FRN 2451496 (to be assigned by administrator)																															
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																																	
11 Category of Service (only ONE category should be checked)		23 Calculations																															
<table border="1"> <tr> <td>PRIORITY 1</td> <td>PRIORITY 2</td> </tr> <tr> <td><input checked="" type="checkbox"/> Telecommunications Service</td> <td><input type="checkbox"/> Internal Connections Other than Basic Maintenance</td> </tr> <tr> <td><input type="checkbox"/> Internet Access</td> <td><input type="checkbox"/> Basic Maintenance of Internal Connections</td> </tr> </table>		PRIORITY 1	PRIORITY 2	<input checked="" type="checkbox"/> Telecommunications Service	<input type="checkbox"/> Internal Connections Other than Basic Maintenance	<input type="checkbox"/> Internet Access	<input type="checkbox"/> Basic Maintenance of Internal Connections	<table border="1"> <tr> <td rowspan="5">Recurring Charges</td> <td>A. Monthly charges (total amount per month for service)</td> </tr> <tr> <td>\$1,778.23</td> </tr> <tr> <td>B. How much of the amount in A is ineligible?</td> </tr> <tr> <td>\$0.00</td> </tr> <tr> <td>C. Eligible monthly pre-discount amount (A minus B)</td> </tr> <tr> <td rowspan="5">Non-Recurring Charges</td> <td>D. Number of months service provided in funding year</td> </tr> <tr> <td>12</td> </tr> <tr> <td>E. Annual pre-discount amount for eligible recurring charges (C x D)</td> </tr> <tr> <td>\$21,338.76</td> </tr> <tr> <td>F. Annual non-recurring charges</td> </tr> <tr> <td rowspan="5">Total Charges</td> <td>G. How much of the amount in F is ineligible?</td> </tr> <tr> <td>\$0.00</td> </tr> <tr> <td>H. Annual eligible pre-discount amount for non-recurring charges (F minus G)</td> </tr> <tr> <td>\$0.00</td> </tr> <tr> <td>I. Total funding year pre-discount amount (E + H)</td> </tr> <tr> <td colspan="2">J. Discount from Block 4 Worksheet</td> <td>70.00</td> </tr> <tr> <td colspan="2">K. Funding Commitment Request (I x J)</td> <td>\$14,937.13</td> </tr> </table>		Recurring Charges	A. Monthly charges (total amount per month for service)	\$1,778.23	B. How much of the amount in A is ineligible?	\$0.00	C. Eligible monthly pre-discount amount (A minus B)	Non-Recurring Charges	D. Number of months service provided in funding year	12	E. Annual pre-discount amount for eligible recurring charges (C x D)	\$21,338.76	F. Annual non-recurring charges	Total Charges	G. How much of the amount in F is ineligible?	\$0.00	H. Annual eligible pre-discount amount for non-recurring charges (F minus G)	\$0.00	I. Total funding year pre-discount amount (E + H)	J. Discount from Block 4 Worksheet		70.00	K. Funding Commitment Request (I x J)		\$14,937.13
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14 Service Provider Name Southwestern Bell Telephone Company																																	
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15b Contract Number N/A																																	
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18 Contract Award Date (mm/dd/yyyy) 01/10/2011																																														
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Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y16																												
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048																												
Block 5: Discount Funding Request(s) Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		Block 5, page 6 of 6 FRN 2451518 (to be assigned by administrator)																												
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Entity Number: 140180	Applicant's Form Identifier: Fort Gibson Y16
Contact Person: Chris Webber or Karla Hall	Contact Phone Number: (918) 445-0048

Block 6: Certifications and Signature

24 ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

- a ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

25 ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23l on all Block 5 Discount Funding Requests.)	256386.48
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	179470.54
c Total applicant non-discount share (Subtract Item 25b from Item 25a.)	76915.94
d Total budgeted amount allocated to resources not eligible for E-rate support	1099000
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	1175915.94
f <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.	

26 ☐ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or ☒ I certify that no technology plan is required by Commission rules.

27 ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

28 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

30 ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 140180	Applicant's Form Identifier: Fort Gibson Y16
Contact Person: Chris Webber or Karla Hall	Contact Phone Number: (918) 445-0048

Block 6: Certification and Signature (Continued)

31 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32 ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

33 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

34 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

35 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

36 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

37 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38 Signature of authorized person <input type="checkbox"/>	39 Date
--	---------

40 Printed name of authorized person Chris Webber

41 Title or position of authorized person Consultant

☐ Check here if the consultant in Item 6g is the Authorized Person.

42a Street Address, P.O. Box, or Route Number
PO BOX 701713

City TULSA

State OK Zip Code 74170-1713

Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y16	
Contact Person: Chris Webber or Karla Hall		Contact Phone Number: (918) 445-0048	
42b	Telephone Number of authorized Person	(918) 445-0048	Ext.
42c	Fax Number of Authorized Person	(918) 445-0049	
42d	E-mail Address of authorized Person	info@crwconsulting.com	
	Re-enter E-mail Address	info@crwconsulting.com	
42e	Name of Authorized Person's Employer	CRW Consulting	

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:
SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:
SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100

FCC Form 471 - October 2010

[Close Print Preview](#)

Exhibit 4: Notification of Commitment Adjustment Letter

Notification of Commitment Adjustment Letter

Funding Year 2013: July 1, 2013 - June 30, 2014

May 20, 2016

Chris Webber or Karla Hall
FORT GIBSON PUBLIC SCHOOLS
PO BOX 701713
TULSA, OK 74170 1713

Re: Form 471 Application Number:	901348
Funding Year:	2013
Applicant's Form Identifier:	Fort Gibson Y16
Billed Entity Number:	140180
FCC Registration Number:	0007685712
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Service Provider Contact Person:	Beverley Fielding

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Beverley Fielding
Meet Point Networks LLC

**Funding Commitment Adjustment Report for
Form 471 Application Number: 901348**

Funding Request Number:	2451501
Services Ordered:	INTERNET ACCESS
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Contract Number:	N/A
Billing Account Number:	
Site Identifier:	140180
Original Funding Commitment:	\$98,271.60
Commitment Adjustment Amount:	\$98,271.60
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$90,169.80
Funds to be Recovered from Applicant:	\$90,169.80
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2451501 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that "there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances." You posted requests for "minimum 20 MBPS, considering up to 50, 75 or 100 to Ross" on FCC Form 470# 755420001082761 and the associated RFP. You received a bid from Meetpoint offering these specific services at an amount of \$11,574 per month for 100 MBPS, a bid from OneNet offering these specific services at an amount of \$2,300 for 100 MPBS and a bid from Sky rider offering these specific services at an amount of \$4,495 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$11,574.00 monthly. The bid chosen is over three times more costly than the bid offering from OneNet and Sky rider. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Exhibit 5: Invitation for Competitive Bid (AKA: RFP)

**IFCB Posted**

06 September 2013

Fort Gibson ISD 3**District Address**

500 S Ross Ave, Fort Gibson, OK

74434 500 S Ross Ave

Fort Gibson, OK 74434

IFCB ID: 779840001143528**IFCB Deadline:**

04 October 2013

Questions Due By:

27 September 2013

IFCB Requirements

- All Questions and Bids must be submitted using the on-line IFCB system. If for some reason the system is down before the respective deadline, please email your bid to info@crwconsulting.com or fax it to 918.445.0049. Bids or questions submitted in this fashion will be disqualified if the on-line system is active at the time of submission.
- Bidder must agree to participate in USF Program (AKA "E-rate") for the corresponding funding year.
- Please include the correct Service Provider Identification Number (SPIN) on your bid.
- By submitting a bid, bidder certifies that the bidder does have a valid (non-red light status) SPIN for the E-rate program at the time of submission. Should the Applicant discover that the bidder is on red light status, or if the FCC classifies the bidder as on red-light status before work is performed and invoices are paid, the contract will be null and void and the applicant will have no payment obligations to the bidder.
- Bidder is expected to provide the lowest corresponding price per E-rate rules. See <http://www.usac.org/sl/service-providers/step02/lowest-corresponding-price.aspx> for details.
- Contracts must not prohibit SPIN changes.
- Bidder must agree to provide the Applicant the choice of discount methods (SPI or BEAR).
- Bidder will be automatically disqualified if the District determines that the bidding company has offered any employee of the District any individual gift of more than \$20 or gifts totaling more than \$50 within a 12 month period.

- All contracts awarded will be contingent upon E-rate funding and final board approval. The applicant may choose to do all or part of the project upon funding notification.
- All contracts awarded under this IFCB bidding process may be voluntarily renewed by the applicant, upon written notice to the provider, for five consecutive one year terms.
- WEB HOSTING VENDORS ARE REQUIRED TO FILL OUT THE ATTACHED COVER SHEET FOR WEB HOSTING BIDS. WEB HOSTING BIDS SUBMITTED WITHOUT THAT COVER PAGE WILL BE DISQUALIFIED. VENDORS NOT SUBMITTING WEB HOSTING BIDS ARE NOT REQUIRED TO USE THE COVER PAGE.

There is an additional document associated with this IFCB. Please click the buttons to download the document.

[FortGibsonWHCoverPage.docx](#) 

Services and Equipment Requested

Long distance phone service - Approx 68 lines; applicant currently uses approx 1,800 minutes per month

Cellular phone service - Approx 13 lines including internet access/data plans

Data Plans/Wireless internet access for tablet devices - Approx 1 device

Internet Access - Minimum 3Mb bandwidth. The terminating address for this circuit is 500 South Ross Avenue, Fort Gibson, OK 77434; (918) 478.

Internet Access - Minimum 100Mb bandwidth; applicant is considering upgrading up to 200Mb bandwidth. The terminating address for this circuit is 500 South Ross Avenue, Fort Gibson, OK 74434; (918) 478. Please provide quotes for 100Mb, 150Mb, and 200Mb bandwidths.

Web Hosting - For five sites. There is a Web Hosting Cover Page associated with this IFCB that is available for download. WEB HOSTING BIDS SUBMITTED WITHOUT THE ATTACHED COVER PAGE WILL BE DISQUALIFIED.

[Upload Bid](#)



Questions Received with District Answers:

[Submit a Question](#)

No Data

[Home](#) [About Us](#) [Services](#) [e-Rate Info](#) [Testimonials](#) [Contact](#)

Sign up for our new sletter :



Your Email

[Submit](#)

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Powered by: Phillips360

P.O. Box 701713
Tulsa, OK 74170-1713
Voice: (918) 445-0048
Fax: (918) 445-0049

Exhibit 6: Bids Received



Meet Point Networks, LLC

P.O. Box 339
Bixby, OK 74008
www.meetpointnetworks.com

10/17/2013

Fort Gibson
500 South Ross Avenue
Fort Gibson, OK 74434

To whom it may concern,

In the following pages you will find a proposal for services prepared by Meet Point Networks, LLC for Fort Gibson. The proposal is in response to the district's posted ERate form 470. The proposal is for a Internet Access circuit.

Page 1 : Proposal of Services
Pages 2 - 4 : Pre-signed Service Agreement

We hope that you will take the time to consider our proposal. If the district finds the quote acceptable please sign and return (fax or email).

Please do not hesitate to contact us with any and all questions.

Mike Pennell
President
mpennell@meetpointnetworks.com
Phone : 918-633-6896
Fax : 918-512-4400



Meet Point Networks, LLC

P.O. Box 339

Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

SPIN# 143035519

Customer Service Proposal

Proposal Date : October 17, 2013

Proposal # 68

Customer Information

Fort Gibson

500 South Ross Avenue
Fort Gibson OK 74434

Meet Point Networks Rep

Mike Pennell (918)633-6896

Summary of Proposed Services : 100, 150, 200, 250 Mb Internet Access Circuit Quotes- Including Internet maintenance provided by NewNet 66.

***Any estimates, in this proposal, based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.*

Proposed Services and Terms

***Taxes and Fees not Included*

	Service Description	Type	Qty	Term	Monthly	Annual	One Time
1	100 Mb Internet Bandwidth	New	1	60	\$7,617.50	\$91,410.00	
2	150 Mb Internet Bandwidth	New	1	60	\$8,677.50	\$104,130.00	
3	200 Mb Internet Bandwidth	New	1	60	\$9,807.50	\$117,690.00	

Internet Maintenance is provided by NewNet 66 and is included in the pricing above.

Internet Maintenance includes:

24 x 7 Internet Access Troubleshooting & Repair

On site visits to restore Internet Access, if necessary

Unlimited Email / 5Gb Web Hosting

For more information please visit NewNet 66's description of services overview at www.newnet66.org



Meet Point Networks, LLC
P.O. Box 339
Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

Meet Point Networks Service Agreement

10/7/2013

SPIN# 143035519

Fort Gibson

500 South Ross Avenue
Fort Gibson OK 74434

Proposed Services : Please select desired service by checking a box below.

Service Description	Type	Qty	Term	Monthly	Annual	One Time
<input type="checkbox"/> 100 Mb Internet Bandwidth	New	1	60	\$7,617.50	\$91,410.00	
<input type="checkbox"/> 150 Mb Internet Bandwidth	New	1	60	\$8,677.50	\$104,130.00	
<input type="checkbox"/> 200 Mb Internet Bandwidth	New	1	60	\$9,807.50	\$117,690.00	
<input type="checkbox"/>						

By signing this Service Agreement, you represent that you are the authorized Customer representative and the above information is true and correct and you accept this Agreement. Both parties agree that each party may use electronic signatures to sign this Service Agreement.

Meet Point Networks may withdraw the proposal at any time prior to Customer signature. If within (30) days after Customer signature, Meet Point Networks determines that customer location is not serviceable under Meet Point Networks normal installation guidelines, Meet Point Networks may withdraw this Service Agreement without liability.

Customer Authorized Signature

Signature

Print

Title or Position

Date

Meet Point Networks Authorized Signature

Mike Pennell

Signature

Mike Pennell

Print

President

Title or Position

10/17/2013

Date



Meet Point Networks, LLC
P.O. Box 339
Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

Terms and Conditions

OUSF - Any estimates in this bid based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.

E-Rate Customers - During the term of this contract, the applicant may choose any of the above service levels and upgrade to those levels upon written notice to Meet Point Networks. Meet Point Networks will determine the turn up time after the customer initiates the process.

The pricing is based upon a 60 month term. This contract represents a 12 month term with the option to renew four consecutive 12 month terms.

1. Tariffs/Service Guide If Customer is purchasing any Services that are regulated by the FCC or any state regulatory body ("Regulated Services"), then Customer's use of such Regulated Services is subject to the regulations of the FCC and the regulatory body of the state in which the Customer location receiving these Regulated Services is located (which regulations are subject to change), as well as the rates, terms, and conditions contained in tariffs on file with state and federal regulatory authorities. Termination fees include, but are not limited to, nonrecurring charges, charges paid to third parties on behalf of Customer, and the monthly recurring charges for the balance of the Term.

2. Service Start Date and Term This Agreement shall be effective upon execution by the parties. The "Initial Term" shall begin upon installation of Service and shall continue for the applicable Term commitment set forth on the Cover Page; provided that if Customer delays installation or is not ready to receive Services on the agreed-upon installation date, Meet Point Networks may begin billing for Services on the date Services would have been installed. Meet Point Networks shall use reasonable efforts to make the Services available by the requested service date. Meet Point Networks shall not be liable for damages resulting from delays in meeting service dates due to construction delays or reasons beyond its control. If Customer delays installation for a period of three (3) months or longer after the parties' execution of this Agreement, Meet Point Networks reserves the right to terminate this Agreement immediately at any time thereafter and Customer shall be responsible for the full amount of construction costs and any other related costs incurred by Meet Point Networks as of the date of termination. AFTER THE INITIAL TERM, THIS AGREEMENT SHALL AUTOMATICALLY RENEW FOR ONE (1) YEAR TERMS (EACH AN "EXTENDED TERM") UNLESS A PARTY GIVES THE OTHER PARTY WRITTEN TERMINATION NOTICE AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE INITIAL TERM OR THEN CURRENT EXTENDED TERM. "Term" shall mean the Initial Term and Extended Term (s), if any. Meet Point Networks reserves the right to increase rates for all Services by no more than ten percent (10%) during any Extended Term by providing Customer with at least sixty (60) days written notice of such rate increase. For the avoidance of doubt, promotional rates and promotional discounts provided to Customer will expire at the end of the Initial Term or earlier as set forth in the promotion language. Customer's payment for Service after notice of a rate increase will be deemed to be Customer's acceptance of the new rate.

3. Termination Customer may terminate any Service before the end of the Term selected by Customer on the Cover Page; provided, however, if Customer terminates any such Service before the end of the Term (except for breach by Meet Point Networks), unless otherwise expressly stated in the General Terms, Customer will be obligated to pay a termination fee equal to the nonrecurring charges (if unpaid) and 100% of the monthly recurring charges for the terminated Service(s) multiplied by the number of full months remaining in the Term. This provision survives termination of the Agreement. If Meet Point Networks is delivering Services via wireless network facilities and there is signal interference with any such Service(s), Meet Point Networks may terminate this Agreement without liability if Meet Point Networks cannot resolve the interference by using commercially reasonable efforts.

4. Payment Customer shall pay for all monthly Service charges, plus one- time activation and set up, and/or construction charges. Unless stated otherwise herein, monthly charges for Services shall begin upon installation of Service, and installation charges, if any, shall be due upon completion of installation. Any amount not received by the due date shown on the applicable invoice will be subject to interest or a late charge no greater than the maximum rate allowed by law. Customer acknowledges and agrees that if Customer fails to pay any amounts when due and fails to cure



Meet Point Networks, LLC

P.O. Box 339

Bixby, OK 74008

Voice 918-633-6896 - Fax 918-512-4400 - Web www.meetpointnetworks.com

such non-payment upon receipt of written notice of non-payment from Meet Point Networks, Customer will be deemed to have terminated this Agreement and will be obligated to pay the termination fee described in Section 5, above. If applicable to the Service, Customer shall pay sales, use, gross receipts, and excise taxes, access fees and all other fees, universal service fund assessments, bypass or other local, state and Federal taxes or charges, and deposits, imposed on the use of the Services. Taxes will be separately stated on Customer's invoice. No interest will be paid on deposits unless required by law.

5. Service and Installation Meet Point Networks shall provide Customer with the Services identified on the Cover Page and may provide related facilities and equipment, the ownership of which shall be retained by Meet Point Networks (the "Meet Point Networks Equipment"), or for certain Services, Customer, may purchase equipment from Meet Point Networks ("Customer Purchased Equipment"). Customer is responsible for damage to any facilities or equipment installed or provided by Meet Point Networks (the "Meet Point Networks Equipment"). Customer may use the Services for any lawful purpose, provided that such purpose (a) does not interfere or impair the Meet Point Networks network or Meet Point Networks Equipment and (b) complies with the AUP. Customer shall use the Meet Point Networks Equipment only for the purpose of receiving the Services. Customer shall use Customer Purchased Equipment in accordance with the terms of the related equipment purchase agreement. Unless provided otherwise herein, Meet Point Networks shall use commercially reasonable efforts to maintain the Services in accordance with applicable performance standards.

Contract is subject to availability of facilities and construction charges.

6. General Terms The General Terms are hereby incorporated into this Agreement by reference. Meet Point Networks, in its sole discretion, may modify, supplement or remove any of the General Terms from time to time, without additional notice to Customer, and any such changes will be effective upon Meet Point Networks publishing such changes on the Meet Point Networks web site. BY EXECUTING THIS AGREEMENT AND/OR USING OR PAYING FOR THE SERVICES, CUSTOMER ACKNOWLEDGES THAT IT HAS READ, UNDERSTOOD, AND AGREED TO BE BOUND BY THE GENERAL TERMS.

7. LIMITATION OF LIABILITY MEET POINT NETWORKS AND/OR ITS AGENTS SHALL NOT BE LIABLE FOR DAMAGES FOR FAILURE TO FURNISH OR INTERRUPTION OF ANY SERVICES, NOR SHALL MEET POINT NETWORKS OR ITS AGENTS BE RESPONSIBLE FOR FAILURE OR ERRORS IN SIGNAL TRANSMISSION, LOST DATA, FILES OR SOFTWARE DAMAGE REGARDLESS OF THE CAUSE. MEET POINT NETWORKS SHALL NOT BE LIABLE FOR DAMAGE TO PROPERTY OR FOR INJURY TO ANY PERSON ARISING FROM THE INSTALLATION OR REMOVAL OF EQUIPMENT UNLESS CAUSED BY THE NEGLIGENCE OF MEET POINT NETWORKS. UNDER NO CIRCUMSTANCES WILL MEET POINT NETWORKS BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, INCLUDING LOST PROFITS, ARISING FROM THIS AGREEMENT OR ITS PROVISION OF THE SERVICES.

8. WARRANTIES EXCEPT AS PROVIDED HEREIN, THERE ARE NO OTHER AGREEMENTS, WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE SERVICES. SERVICES PROVIDED ARE A BEST EFFORTS SERVICE AND MEET POINT NETWORKS DOES NOT WARRANT THAT THE SERVICES, EQUIPMENT OR SOFTWARE SHALL BE ERROR-FREE OR WITHOUT INTERRUPTION. INTERNET SPEEDS WILL VARY. MEET POINT NETWORKS MAKES NO WARRANTY AS TO TRANSMISSION OR UPSTREAM OR DOWNSTREAM SPEEDS OF THE NETWORK.

9. Public Performance. If Customer engages in a public performance of any copyrighted material contained in any of the Services, Customer, and not Meet Point Networks, shall be responsible for obtaining any public performing licenses at Customer's expense.

E-Rate Funding Year 2014



**SPIN 143015254
FCC RN 001199307**

**MTM – INTERNET ACCESS
(Month to Month service -- no contract needed)**

Fort Gibson ISD

Proposal Contingent upon E-Rate Funding

<u>Internet Access Service</u>	<u>Monthly\$</u>	<u>Annual\$</u>
100mb	\$2,300	\$27,600
150mb	\$2,069	\$22,896
200mb	\$2,324	\$25,956
2 T1s (Existing)	\$1,028	\$12,336

OneNet Internet service provides the connection from your location to our hub site. As part of our standard package OneNet Internet service customers receive: unlimited email services, web hosting, Quality of Service, DNS, unlimited video conferencing and related technical support. *There is no reduction in cost if customer does not utilize any component of the standard package.*

Customer Provided Router

- 100m-200mb will require router with 2 GIG Interfaces; one interface for internet connection and one for LAN

Options

- OneNet Provided Router (ERate Priority One On-Premise Equipment)

\$89 per month for Juniper SRX220. The router shall remain the property of OneNet, therefore OneNet reserves the right to use for other customers. Maintenance of router will be OneNet's responsibility. Customer's local network will not be dependent on the OneNet provided router. (Not Oklahoma Universal Service Fund eligible, customer will pay their percentage after ERate discount.)

- Content Filtering pricing is available upon request. (Not ERate eligible service)

Proposed By:

A handwritten signature in black ink, appearing to read "Ami Layman".

Ami Layman

Accounts Receivable Supervisor
OneNet
PO Box 108800
Oklahoma City, OK 73101-8800
(888) 566-3638

Accepted By:

Authorized Signature

Date

**If you select OneNet as your provider, please sign and date this with your allowable contract date based on your 470 posting. THIS IS FOR YOUR ERATE RECORDS and Item 21 Attachment.
Please contact OneNet when you are ready to order services.**

Exhibit 7: 471 Application

FCC Form 471

Approval by OMB
3060-0806**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471****Estimated Average Burden Hours per Response: 4 hours**

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference)		Form 471 Application #:
Fort Gibson Y17		950642 (To be assigned by administrator)
Block 1: Billed Entity Address and Identifications		
1 Name of Billed Entity FORT GIBSON PUBLIC SCHOOLS		
2 Funding Year 2014		
3a Entity Number 140180		
3b FCC Registration Number 0007685712		
4a Street Address, P.O. Box, or Route Number 500 S ROSS		
City FORT GIBSON State OK Zip Code 74434-8422		
4b Telephone Number (918) 478-2474		
4c Fax Number (918) 478-8533		
5a Type of Application (check only one) <input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries) <input type="radio"/> Statewide application for (enter 2-letter state code) representing (check all that apply) <input type="checkbox"/> All public schools/districts in the state <input type="checkbox"/> All non-public schools in the state <input type="checkbox"/> All libraries in the state		
5b Recipient(s) of Services: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Charter <input type="checkbox"/> Tribal <input type="checkbox"/> Head Start <input type="checkbox"/> State Agency		
Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y17
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048
Block 1: Billed Entity Address and Identifications (continued)		
6a Contact Person's Name Karla Hall or Chris Webber		
If the Contact Person's Street Address is the same as Item 4 above, check here. <input type="checkbox"/> If not, complete Item 6b.		
6b Street Address, P.O. Box, or Route Number NOTE: USAC will use this address to mail correspondence about this form. PO Box 701713		
City Tulsa State OK Zip Code 74170-1713		
Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.		
<input type="checkbox"/> 6c Telephone Number (918) 445 - 0048		
<input type="checkbox"/> 6d Fax Number (918) 445 - 0049		
<input checked="" type="checkbox"/> 6e E-Mail Address INFO@CRWCONSULTING.COM		
Re-enter E-mail Address INFO@CRWCONSULTING.COM		
6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address		
If a consultant is assisting you with your application process, please complete Item 6g below:		
6g Consultant Name Karla Hall Name of Consultant's Employer CRW Consulting Consultant's Street Address CRW Consulting PO Box 701713 City Tulsa State OK Zip Code 74170 Consultant's Telephone Number (918) 445-0048 Ext. Consultant's Fax Number (918) 445-0049 Consultant's E-mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com Consultant Registration Number 16024800		
Blocks 2 and 3 [Reserved]		

Entity Number: 140180										Applicant's Form Identifier: Fort Gibson Y17				
Contact Person: Karla Hall or Chris Webber										Contact Phone Number: (918) 445-0048				
Block 4: Discount Calculation Worksheet												Worksheet - 1642623		
Page 1 of 1														
<p>The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.</p> <p><input type="checkbox"/> Check here if this worksheet contains all eligible entities in the school district or library system.</p>														
9a List entities and calculate discount(s):												(For Administrator's Use)		
School District or Library System Name:												School District or Library System Entity Number:		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
FORT GIBSON EARLY LEARNING CENTER	84886 OK I003 105	R	370	171	46.216%	70	N	N	N	25900				
FORT GIBSON INTERMEDIATE	84887 OK I003 110	R	370	171	46.216%	70	N	N	N	25900				
NORTH EDUCATION BUILDING	16049906	R	878	211	24.032%	60	N	N	N	52680	P,A			
FORT GIBSON MIDDLE SCHOOL	84889 OK I003 505	R	400	188	47.000%	70	N	N	N	28000				
ADMINISTRATION BUILDING	16049905	R	0	0	0.000%	66	N	N	N	0				
FORT GIBSON HIGH SCHOOL	84888 OK I003 705	R	630	236	37.460%	70	N	N	N	44100				
9b Shared Services														
SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.			2648							176580				67%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y17																												
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																												
Block 5: Discount Funding Request(s)		Block 5, page 1 of 4																												
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2585563 (to be assigned by administrator)																												
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																														
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Entity Number: 140180	Applicant's Form Identifier: Fort Gibson Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

☐ Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1.	If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? ____%
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Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y17																																															
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Block 5 (Continued):

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24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

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Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

☐

Check this box if this request is for services or equipment that do **not** provide broadband or connectivity. For instance, check the box if this funding request is for internal connections, basic maintenance, or requests for services like e-mail or phone service.

a

Which technology(ies) and speed(s) are being provided in this Funding Request? Please list the number of lines and average download speed for the lines included in this funding request. If there are multiple download speeds for the lines within one type of broadband connection, this form provides two additional lines per broadband connection category. If you need additional space, please make copies of this page and number the completed pages to assure that they are all processed correctly. A response to this item is not a substitute for a complete response to Item 21 but should be consistent with the description of services in the response to Item 21. Please ask your service provider if you need assistance.

Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Fiber optic/OC-x	1	200

b

If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1.	If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? <u>100</u> %
2.	If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? <u>99</u> %

c

For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
If **no** above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y17																							
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																							
Block 5: Discount Funding Request(s)		Block 5, page 4 of 4																							
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2585587 (to be assigned by administrator)																							
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:																									
11 Category of Service (only ONE category should be checked)		23 Calculations																							
<table border="1"> <tr> <td>PRIORITY 1</td> <td>PRIORITY 2</td> </tr> <tr> <td><input checked="" type="checkbox"/> Telecommunications Service</td> <td><input type="checkbox"/> Internal Connections Other than Basic Maintenance</td> </tr> <tr> <td><input type="checkbox"/> Internet Access</td> <td><input type="checkbox"/> Basic Maintenance of Internal Connections</td> </tr> </table>		PRIORITY 1	PRIORITY 2	<input checked="" type="checkbox"/> Telecommunications Service	<input type="checkbox"/> Internal Connections Other than Basic Maintenance	<input type="checkbox"/> Internet Access	<input type="checkbox"/> Basic Maintenance of Internal Connections	<table border="1"> <tr> <td rowspan="5">Recurring Charges</td> <td>A. Monthly charges (total amount per month for service)</td> </tr> <tr> <td>\$503.08</td> </tr> <tr> <td>B. How much of the amount in A is ineligible?</td> </tr> <tr> <td>\$0.00</td> </tr> <tr> <td>C. Eligible monthly pre-discount amount (A minus B)</td> </tr> <tr> <td></td> <td>\$503.08</td> </tr> <tr> <td></td> <td>D. Number of months service provided in funding year</td> </tr> <tr> <td></td> <td>12</td> </tr> <tr> <td></td> <td>E. Annual pre-discount amount for eligible recurring charges (C x D)</td> </tr> <tr> <td></td> <td>\$6,036.96</td> </tr> </table>		Recurring Charges	A. Monthly charges (total amount per month for service)	\$503.08	B. How much of the amount in A is ineligible?	\$0.00	C. Eligible monthly pre-discount amount (A minus B)		\$503.08		D. Number of months service provided in funding year		12		E. Annual pre-discount amount for eligible recurring charges (C x D)		\$6,036.96
PRIORITY 1	PRIORITY 2																								
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12 Form 470 Application Number 435920001144315		<table border="1"> <tr> <td rowspan="4">Non-Recurring Charges</td> <td>F. Annual non-recurring charges</td> </tr> <tr> <td>\$0.00</td> </tr> <tr> <td>G. How much of the amount in F is ineligible?</td> </tr> <tr> <td>\$0.00</td> </tr> <tr> <td></td> <td>H. Annual eligible pre-discount amount for non-recurring charges (F minus G)</td> </tr> <tr> <td></td> <td>\$0.00</td> </tr> </table>		Non-Recurring Charges	F. Annual non-recurring charges	\$0.00	G. How much of the amount in F is ineligible?	\$0.00		H. Annual eligible pre-discount amount for non-recurring charges (F minus G)		\$0.00													
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13 SPIN – Service Provider Identification Number 143025240		<table border="1"> <tr> <td rowspan="2">Total Charges</td> <td>I. Total funding year pre-discount amount (E + H)</td> </tr> <tr> <td>\$6,036.96</td> </tr> <tr> <td></td> <td>J. Discount from Block 4 Worksheet 67.00</td> </tr> <tr> <td></td> <td>K. Funding Commitment Request (I x J)</td> </tr> <tr> <td></td> <td>\$4,044.76</td> </tr> </table>		Total Charges	I. Total funding year pre-discount amount (E + H)	\$6,036.96		J. Discount from Block 4 Worksheet 67.00		K. Funding Commitment Request (I x J)		\$4,044.76													
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14 Service Provider Name AT&T Mobility																									
15a <input checked="" type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.																									
15b Contract Number MTM																									
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).																									
15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:																									
16a Billing Account Number (e.g., billed telephone number)																									
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.																									
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 10/09/2013																									
18 Contract Award Date (mm/dd/yyyy)																									
19 Service Start Date (mm/dd/yyyy) 07/01/2014																									
20a Service End Date (mm/dd/yyyy) 06/30/2015																									
20b Contract Expiration Date (mm/dd/yyyy)																									
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided.																									
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): 1642623																							

Entity Number: 140180	Applicant's Form Identifier: Fort Gibson Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 5 (Continued):

24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

☐ Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

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c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
 If no above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140180	Applicant's Form Identifier: Fort Gibson Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 6: Certifications and Signature

25 ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

a ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

26 ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	147411.12
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	98765.45
c Total applicant non-discount share (Subtract Item 26b from Item 26a.)	48645.67
d Total budgeted amount allocated to resources not eligible for E-rate support	360000
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 26c and 26d.)	408645.67
f <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 26e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 26e.	

27 ☐ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or ☒ I certify that no technology plan is required by Commission rules.

28 ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

29 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

30 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

31 ☒ I certify that I and the entity(ies) I represent have complied with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y17	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	

Block 6: Certification and Signature (Continued)

32 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

33 ☒ I certify that I will retain required documents for a period of at least five years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

34 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

35 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

36 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

37 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

38 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

39 Signature of authorized person <input checked="" type="checkbox"/>	40 Date 03/17/2014
---	--------------------

41 Printed name of authorized person Chris Webber

42 Title or position of authorized person Consultant

☐ Check here if the consultant in Item 6g is the Authorized Person.

43a Street Address, P.O. Box, or Route Number
PO Box 701713

City Tulsa
State OK Zip Code 74170-1713

Entity Number: 140180		Applicant's Form Identifier: Fort Gibson Y17	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	
43b	Telephone Number of authorized Person	(918) 445-0048	Ext.
43c	Fax Number of Authorized Person	(918) 445-0049	
43d	E-mail Address of authorized Person	info@crwconsulting.com	
	Re-enter E-mail Address	info@crwconsulting.com	
43e	Name of Authorized Person's Employer	CRW Consulting	
<p>NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.</p> <p>An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.</p> <p>The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.</p> <p>If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.</p> <p>If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.</p> <p>The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.</p> <p>Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.</p> <p>Please submit this form to: SLD-Form 471 P.O. Box 7026 Lawrence, Kansas 66044-7026</p> <p>For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to: SLD Forms ATTN: SLD Form 471 3833 Greenway Drive Lawrence, Kansas 66046 (888) 203-8100</p>			
FCC Form 471 - December 2013			

[Close Print Preview](#)[Previous](#)

Exhibit 8: Commitment Adjustment Letter



Notification of Commitment Adjustment Letter

Funding Year 2014: July 1, 2014 - June 30, 2015

May 20, 2016

**Karla Hall or Chris Webber
FORT GIBSON PUBLIC SCHOOLS
PO Box 701713
Tulsa, OK 74170 1713**

Re: Form 471 Application Number:	950642
Funding Year:	2014
Applicant's Form Identifier:	Fort Gibson Y17
Billed Entity Number:	140180
FCC Registration Number:	0007685712
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Service Provider Contact Person:	Beverley Fielding

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Beverley Fielding
Meet Point Networks LLC

**Funding Commitment Adjustment Report for
Form 471 Application Number: 950642**

Funding Request Number:	2585566
Services Ordered:	INTERNET ACCESS
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Contract Number:	N/A
Billing Account Number:	
Site Identifier:	140180
Original Funding Commitment:	\$78,852.30
Commitment Adjustment Amount:	\$78,852.30
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$0.00
Funds to be Recovered from Applicant:	\$0.00
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FY 2014 FRN 2585566 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that "there may be situations" where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances." You posted requests for "minimum 100 MBPS, considering increasing up to 200 MBPS" on FCC Form 470# 435920001144315 and the associated RFP. You received a bid from Meetpoint offering these specific services at an amount of \$9,807 per month for 200 MBPS and a bid from One Net offering these specific services at an amount of \$2,324 monthly 200 MPBS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$9,807 monthly for 200 MBPS. The bid chosen is over three times more costly than the bid offering from OneNet. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full.

Exhibit 9: Administrator Decision Letters



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

August 05, 2016

Chris Webber
Fort Gibson Public Schools
CRW Consulting, LLC
PO Box 701713
Tulsa, OK 74170-1713

Re: Applicant Name: FORT GIBSON PUBLIC SCHOOLS
Billed Entity Number: 140180
Form 471 Application Number: 901348
Funding Request Number(s): 2451501
Your Correspondence Dated: July 15, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2451501
Decision on Appeal: **Denied**
Explanation:

- During the appeal review of your FCC Form 471# 901348 you requested reversal of the COMAD decision to seek recovery of improperly disbursed funds. It has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2451501 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from

prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that "there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances." You posted requests for "minimum 20 MBPS, considering up to 50, 75 or 100 to Ross" on FCC Form 470# 755420001082761 and the associated RFP. You received a bid from Meetpoint offering these specific services at an amount of \$11,574 per month for 100 MBPS, a bid from OneNet offering these specific services at an amount of \$2,300 for 100 MPBS and a bid from Skyriders offering these specific services at an amount of \$4,495 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$11,574.00 monthly. The bid chosen is over three times more costly than the bid offering from OneNet and Skyriders. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant. In your appeal, you did not demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied.

- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. *See* 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(vii), 54.504(a)(1)(xi). *See* also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. *See* 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. *See* Ysleta Order para. 54.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the

Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

August 05, 2016

Chris Webber
Fort Gibson Public Schools
CRW Consulting, LLC
PO Box 701713
Tulsa, OK 74170-1713

Re: Applicant Name: FORT GIBSON PUBLIC SCHOOLS
Billed Entity Number: 140180
Form 471 Application Number: 950642
Funding Request Number(s): 2585566
Your Correspondence Dated: July 15, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2585566
Decision on Appeal: **Denied**
Explanation:

- During the appeal review of your FCC Form 471# 950642 you requested reversal of the COMAD decision to seek recovery of improperly disbursed funds. It has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FY 2014 FRN 2585566 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids

from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that "there may be situations" where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances." You posted requests for "minimum 100 MBPS, considering increasing up to 200 MBPS" on FCC Form 470# 435920001144315 and the associated RFP. You received a bid from Meetpoint offering these specific services at an amount of \$9,807 per month for 200 MBPS and a bid from One Net offering these specific services at an amount of \$2,324 monthly 200 MPBS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$9,807 monthly for 200 MBPS. The bid chosen is over three times more costly than the bid offering from OneNet. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. In your appeal, you did not demonstrate that USAC's determination was incorrect. Therefore, the commitment has been rescinded in full. Consequently, your appeal is denied.

- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. *See* 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(vii), 54.504(a)(1)(xi). *See* also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. *See* 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. *See* Ysleta Order para. 54.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference

Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Exhibit 10: 2013 Bid Evaluations

BID EVALUATION SHEET - Full

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: 100MB INTERNET ACCESS

COMPANY SUBMITTING BID: SKYRIDER COMMUNICATIONS

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	20
SERVICE HISTORY	20	0
EXPERTISE OF COMPANY	20	5
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	5
LOCATION OF COMPANY	15	0
TOTAL POINTS	100	30

Bid Evaluated by: JASON WICKS

Date: 1/30/13

Signature: JASON WICKS

BID EVALUATION SHEET - Full

Erate Year 2013

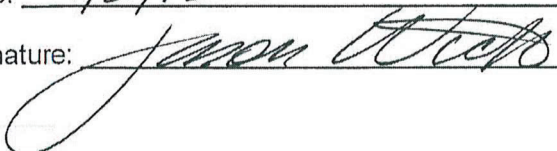
SERVICE/EQUIPMENT BID IS FOR: 100 MB INTERNET ACCESS

COMPANY SUBMITTING BID: DNENET

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	25
SERVICE HISTORY	20	5
EXPERTISE OF COMPANY	20	5
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	10
LOCATION OF COMPANY	15	10
TOTAL POINTS	100	55

Bid Evaluated by: JASON WICKS

Date: 1/30/13

Signature: 

BID EVALUATION SHEET - Full

Erate Year 2013

SERVICE/EQUIPMENT BID IS FOR: 100 MB INTERNET ACCESS

COMPANY SUBMITTING BID: MEET POINTS

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	0 1
SERVICE HISTORY	20	20
EXPERTISE OF COMPANY	20	20
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	20
LOCATION OF COMPANY	15	15
TOTAL POINTS	100	75 76

Bid Evaluated by: JASON WICKS

Date: 1/30/13

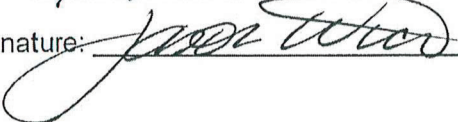
Signature: 

Exhibit 11: 2014 Bid Evaluations

**BID EVALUATION SHEET – Full
Erate Year 2014**

1. **Service that is being evaluated:** INTERNET ACCESS
Examples include: Internet access, local phone service, long distance service, cell phone service, wireless data plan service, WAN connectivity
 2. **Company that has submitted bid:** ONENET
 3. **Service level from the bid that is being evaluated:** INTERNET ACCESS-200MB
Examples include: Internet access – 200 mb, local phone – 50 lines, cell phones – unlimited pooled minutes, wireless data plans – 500 Mb, WAN Connectivity – (5) 1 Gb circuits. You may have to determine per-unit pricing (cost per Mb, for example) to compare bids submitted from different companies at different service levels.
 4. **Price that is being evaluated:** 25,956.00
- **POINTS MUST BE AWARDED IN ALL CATEGORIES. DO NOT WRITE “N/A” IN ANY CATEGORY.**
 - **DO NOT GIVE EQUAL POINTS FOR PRICE TO TWO VENDORS UNLESS THEY BID THE EXACT SAME SERVICE FOR THE EXACT SAME PRICE**

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	25
SERVICE HISTORY	20	7
EXPERTISE OF COMPANY	20	5
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	10
LOCATION OF COMPANY	15	10
TOTAL POINTS	100	57

Bid Evaluated by (one person per sheet): JASON WICKS

Date: 12.18.2013

Signature: 

**BID EVALUATION SHEET – Full
Erate Year 2014**

1. **Service that is being evaluated:** INTERNET ACCESS
Examples include: Internet access, local phone service, long distance service, cell phone service, wireless data plan service, WAN connectivity
 2. **Company that has submitted bid:** MEETPOINT NETWORKS
 3. **Service level from the bid that is being evaluated:** INTERNET ACCESS-200MB
Examples include: Internet access – 200 mb, local phone – 50 lines, cell phones – unlimited pooled minutes, wireless data plans – 500 Mb, WAN Connectivity – (5) 1 Gb circuits. You may have to determine per-unit pricing (cost per Mb, for example) to compare bids submitted from different companies at different service levels.
 4. **Price that is being evaluated:** 117,690
- **POINTS MUST BE AWARDED IN ALL CATEGORIES. DO NOT WRITE “N/A” IN ANY CATEGORY.**
 - **DO NOT GIVE EQUAL POINTS FOR PRICE TO TWO VENDORS UNLESS THEY BID THE EXACT SAME SERVICE FOR THE EXACT SAME PRICE**

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS & SERVICES	25	1
SERVICE HISTORY	20	20
EXPERTISE OF COMPANY	20	20
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	20
LOCATION OF COMPANY	15	15
TOTAL POINTS	100	76

Bid Evaluated by (one person per sheet): JASON WICKS

Date: 12.18.2013

Signature: 